

# Agenda

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## City Executive Board

Date: **Thursday 15 October 2015**

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Time: **5.00 pm**

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Place: **Long Room - Town Hall**

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For any further information please contact:

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

# City Executive Board

## Membership

### Chair

Councillor Bob Price	Corporate Strategy and Economic Development
Councillor Ed Turner	Finance, Corporate Asset Management and Public Health
Councillor Susan Brown	Customer Services and Corporate Services
Councillor Alex Hollingsworth	Planning, Transport and Regulatory Service
Councillor Pat Kennedy	Young People, Schools and Skills
Councillor Mark Lygo	Leisure, Sports and Events
Councillor Mike Rowley	Housing
Councillor Christine Simm	Culture and Communities
Councillor Dee Sinclair	Crime, Community Safety and Licensing
Councillor John Tanner	Climate Change and Cleaner, Greener Oxford

The quorum for this meeting is three, substitutes are not allowed.

Future items to be discussed by the City Executive Board can be found on the Forward Plan which is available on the Council's [website](#)

### HOW TO OBTAIN A COPY OF THE AGENDA

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A copy of the agenda may be:-

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# AGENDA

## PART ONE PUBLIC BUSINESS

### Pages

#### 1 APOLOGIES FOR ABSENCE

#### 2 DECLARATIONS OF INTEREST

#### 3 PUBLIC QUESTIONS

When the Chair agrees, the public can ask questions about any item for decision at the meeting for up to 15 minutes. Questions must have been given to the Head of Law and Governance by 9.30am one clear working day before the meeting (email [executiveboard@oxford.gov.uk](mailto:executiveboard@oxford.gov.uk) or telephone the person named as staff contact). No supplementary questions or questioning will be permitted. Questions by the public will be taken as read and, when the Chair agrees, be responded to at the meeting.

#### 4 SCRUTINY COMMITTEE REPORTS

The following scrutiny committee / panel reports are expected to be submitted to this meeting and will be published in a supplementary agenda.

4a: Report of the Scrutiny PSPO Panel on the City Centre PSPO

4b: Report of the Scrutiny Committee on Community Centre Leases

4c: Report of the Scrutiny Inequality Panel - Combatting inequality: Is Oxford City Council doing all it can to make Oxford a fairer, more equal place?

4d: Report of the Scrutiny Committee on the Financial Inclusion Strategy

4e: Report of the Scrutiny Housing Panel on HMO Licensing

4f: Report of the Scrutiny Housing Panel on the fitting of solar panels on council-owned housing stock

#### 5 COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA

City Councillors may, where the Chair agrees, address the Board on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Head of Law and Governance by no later than 9.30am at least one clear working day before the meeting. An address may last for no more than three minutes. If an address is made, the Board member who has political responsibility for the item for decision may respond or the Board will have regard to the points raised in reaching its decision.

#### 6 COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

10 minutes of the meeting is available for any Councillor to raise local issues

on behalf of communities directly with the Board. Priority will be given to those who have not already attended within the year and in the order received. Issues can only be raised once unless otherwise agreed by the Board. The Board's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

## **7 CITY CENTRE PUBLIC SPACES PROTECTION ORDER (PSPO)**

13 - 60

**Lead Member:** Councillor Dee Sinclair, Executive Board Member for Crime, Community Safety and Licensing

The Executive Director Community Services has submitted a report which provides details of the consultation regarding a Public Spaces Protection Order for the city centre, and seeks approval of a draft Order.

**Officer Recommendations:** That the City Executive Board resolves to:

1. Agree to make a Public Spaces Protection Order under S 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 9 'the Act') on the terms set out at Appendix One, for the area of the city centre shown on the map at Paragraph 28 for the duration of three years from a date to be determined by the Executive Director Community Services by reference to the installation of adequate public signage and statutory notifications in accordance with the Act.

## **8 PROPOSED LEASE AND MONITORING ARRANGEMENTS FOR COMMUNITY CENTRES**

61 - 68

**Lead Member:** Councillor Christine Simm, Executive Board Member for Culture & Communities

The Head of Community Services has submitted a report which proposes a framework for the determination of leases in respect of city council owned community centres occupied and operated by community associations.

**Officer Recommendations:** That the City Executive Board resolves to:

1. AGREE that for community centres that currently have a licence to occupy a notice to quit be served in respect of that licence along with a proposed replacement lease on the terms broadly set out in paragraph 8 of this report.

## **9 FINANCIAL INCLUSION STRATEGY (FIS) - ACTION PLAN UPDATE**

69 - 86

**Lead Member:** Councillor Susan Brown, Executive Board Member for Customer Services and Corporate Services

The Executive Director of Organisational Development & Corporate Services has submitted a report details the progress with delivery of the Financial Inclusion Strategy Action Plan and seeks agreement to an update of the Action Plan.

**Officer Recommendations:** That the City Executive Board resolves to:

1. Approve the updated Financial Inclusion Strategy Action Plan as set out at Appendix 2; and
2. Delegate authority to the Executive Director, Organisational Development

and Corporate Services, in consultation with the Executive Member for Customer and Corporate Services, to further update the Action Plan as necessary.

**10 CHANGES TO CHARGING FOR PLANNING AND LISTED BUILDING PRE-APPLICATION ADVICE AND BUILDING CONTROL APPLICATION FEES**

87 - 96

**Lead Member:** Councillor Alex Hollingsworth, Executive Board Member for Planning, Transport and Regulatory Services

The Planning and Regulatory Service Manager has submitted a report which proposes to increase the level of fees for pre-application planning advice, and to introduce charges for pre-application advice for listed buildings and householder developments.

**Officer Recommendations:** That the City Executive Board resolves to:

1. Approve the proposed increase in the level of fees for pre-application planning advice, and the proposed introduction of charges for pre-application advice in respect of listed buildings and householder developments, effective from 1 November 2015.

**11 ARRANGEMENTS TO FACILITATE THE FITTING OF SOLAR PANELS ON COUNCIL-OWNED HOUSING STOCK**

97 - 106

**Lead Member:** Councillor Mike Rowley, Executive Board Member for Housing

The Head of Housing and Property has submitted a report which outlines proposals to facilitate the fitting of solar panels on Council-owned housing stock in such a way that it reduces the demands on the HRA capital programme.

**Officer Recommendations:** That the City Executive Board resolves to:

1. **Grant project approval** to fit solar panels on Council-owned housing stock in the manner described in this report;
2. **Delegate authority to the Chief Executive**, in conjunction with the Head of Finance, to enter into an Agreement to Lease with the Low Carbon Hub IPS (on the basis that this would permit leases to the roof space of individual Council properties to be drawn up and executed if required) plus any ancillary agreement required; and to submit an appropriate VEAT notice to the EU; and
3. **Agree** that on the basis of the matters set out in this report, the proposed arrangement with the Low Carbon Hub IPS represents best value to the Council.

**12 REVIEW OF ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (HMOS) IN OXFORD.**

107 - 350

**Lead Member:** Councillor Bob Price, Executive Board Member for Corporate Strategy and Economic Development

The Executive Director, Regeneration and Housing has submitted a report which provides the results from the consultation carried out for the HMO

Licensing Scheme and seeks approval to designate the whole of the City as subject to additional licensing under section 56(1) (a) of the Housing Act 2004 in relation to the size and type of HMO specified in the recommendations of this report for 5 years commencing the 25 January 2016.

**Officer Recommendations:** That the City Executive Board resolves to:

1. **Note** the report of the Consultation of Licensing of Houses in Multiple Occupation 2015 and its findings attached at Appendix 1.
2. **Agree** that having considered the report of the consultation, which shows that a significant proportion of HMOs in the City are being managed ineffectively, an additional licensing scheme is required for a further 5 years.
3. **Agree** to designate the whole of the City as subject to additional licensing under section 56(1)(a) of the Housing Act 2004 for all three storey Houses in Multiple Occupation that contain three or four occupiers and all two storey Houses in Multiple Occupation that contain five or more occupiers with the designation coming into force on 25 January 2016 for a period of 5 years.
4. **Agree** to designate the whole of the City as subject to additional licensing under section 56(1)(a) of the Housing Act 2004 in relation to all two storey or single storey Houses in Multiple Occupation that contain three or four occupiers and all self-contained flats that are Houses in Multiple Occupation, irrespective of the number of storeys, but, so far as concerns section 257, Houses in Multiple Occupation, limit the designation to those that are mainly or wholly tenanted, Including those with resident landlords. This second designation will come into force on the 31 January 2017 and will last for 4 years.
5. **Recommend Council to resolve** to adopt the proposed fees and charges structure attached at Appendix 2.
6. **Recommend Council to resolve** to adopt the eligibility criteria for the new scheme as attached at Appendix 3.

## 13 OXPENS DELIVERY STRATEGY

351 - 358

**Lead Member:** Councillor Bob Price, Executive Board Member for Corporate Strategy and Economic Development

The Executive Director Regeneration and Housing has submitted a report which provides an update and seeks approval for an amendment to the Oxpens Delivery Strategy and budgetary adjustments.

**Officer Recommendations:** That the City Executive Board resolves to:

**Recommendations:** That the City Executive Board resolves to:

1. **Note** the contents of this report;
2. **Delegate to** the Executive Director Regeneration and Housing authority to agree terms for the acquisition of land at Oxpens (in consultation with the Chief Executive, s151 Officer and Monitoring Officer) subject to Council agreeing the recommendation set out at number 4 below;
3. **Approve** the creation of a wholly owned investment vehicle and the commencement of a competitive exercise to secure a joint venture partner to become a Member of such a vehicle; and

4. **Recommend Council to resolve to** approve the establishment of a capital budget of £8.4m to progress the project through the next stages.

**14 ITEMS RAISED BY BOARD MEMBERS**

**15 MINUTES**

359 - 370

Minutes of the meeting held on 10 September 2015.

**Recommendation:** The City Executive Board NOTES the minutes of the meeting held on 10 September 2015 as a true and accurate record.

**16 MATTERS EXEMPT FROM PUBLICATION**

If the Board wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

The Board may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**PART TWO**  
**MATTERS EXEMPT FROM PUBLICATION**

**17 CONFIDENTIAL APPENDIX: COMMUNITY CENTRES**

371 - 372

This is exempt from publication by virtue of Paragraph 5, Part 1 of Schedule 12A of the Local Government Act 1972 for the following reasons:

- information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

**18 CONFIDENTIAL APPENDIX: OXPENS DELIVERY STRATEGY**

373 - 376

This is exempt from publication by virtue of Paragraph 3, Part 1 of Schedule 12A of the Local Government Act 1972 for the following reasons:

- Commercial affairs of the Council.

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.











**To:** City Executive Board

**Date:** 15 October 2015

**Report of:** Executive Director Community Services

**Title of Report:** City Centre Public Spaces Protection Order (PSPO)

## **Summary and Recommendations**

**Purpose of report:** To report on the consultation regarding a Public Spaces Protection Order for the city centre, and to seek approval of a draft Order.

**Key Decision:** Yes

**Executive lead member:** Councillor Dee Sinclair, Board Member Crime, Community Safety and Licensing

**Policy Framework:** Corporate Plan priorities – Strong, Active Communities; Cleaner, Greener Oxford

**Recommendations:** That the City Executive Board resolves to:

1. Agree to make a Public Spaces Protection Order under S 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 9 ‘the Act’) on the terms set out at Appendix One, for the area of the city centre shown on the map at Paragraph 28 for the duration of three years from a date to be determined by the Executive Director Community Services by reference to the installation of adequate public signage and statutory notifications in accordance with the Act.

**Appendix 1:** Draft PSPO

**Appendix 2:** Data tables

**Appendix 3:** eConsult consultation results

**Appendix 4:** Crisis Skylight email and signatory list

**Appendix 5:** Consultation engagement methods

**Appendix 6:** Risk Assessment

**Appendix 7:** Equality Impact Assessment

## Introduction to Public Spaces Protection Order

1. The Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') gained Royal Assent in April 2014. The Public Spaces Protection Order provision has been in operation since 20th October 2014. The Act is designed to put victims at the heart of the response to anti-social behaviour, and give professionals the flexibility they need to deal with any given situation.
2. Public Spaces Protection Orders (PSPOs) are intended to provide means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.
3. PSPOs also create a framework that either replaces or updates existing public space restrictions such as alcohol Designated Public Place Orders and Dog Control Orders and permits local authorities to introduce new regulations.
4. The power to make an Order rests with local authorities, in consultation with the police and other relevant bodies who may be affected.
5. A local authority can make a PSPO in respect of any public space within its administrative boundary. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
6. A PSPO can be in force for any period up to a maximum of three years.
7. Appeals against a draft PSPO can be made in the High Court within six weeks of issue by anyone who lives in, or regularly works in or visits the area. Further appeal can be made if a PSPO is varied by a local authority.
8. Section 59 of the Act sets out the basis on which local authorities may make a PSPO. It provides as follows -
  - (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
  - (2) The first condition is that—
    - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
    - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
  - (3) The second condition is that the effect, or likely effect, of the activities—
    - (a) is, or is likely to be, of a persistent or continuing nature,
    - (b) is, or is likely to be, such as to make the activities unreasonable, and
    - (c) justifies the restrictions imposed by the notice.
  - (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—

- (a) prohibits specified things being done in the restricted area,
  - (b) requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
  - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
  - (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
  - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
  - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- (7) A public spaces protection order must—
  - (a) identify the activities referred to in subsection (2);
  - (b) explain the effect of section 63 (where it applies) and section 67;
  - (c) specify the period for which the order has effect.
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.
- 9. The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.
- 10. Orders can be enforced by a police officer, a police community support officer, designated council officers and employees of other delegated organisations. The council's Anti-Social Behaviour Policy section 4.3 describes the council's approach to enforcement and states that all cases will be addressed firmly, fairly and proportionately. The policy goes on to say that we will always seek to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health.
- 11. The policy is available on the council's website.
- 12. A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine of up to £1000 on prosecution.
- 13. In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act.
- 14. The Authority is also bound by the terms of the Human Rights Act 1998 and must not act in a way which is incompatible with a Convention right. Human

rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.

15. If Convention rights are engaged (as they are with the making of a PSPO) any interference with them must be –
  - (a) In accordance with the law (in other words the Board must be satisfied that the statutory conditions in S59 set out above are satisfied)
  - (b) In pursuit of a legitimate aim (in this instance the control of activities which, if not controlled, would have a detrimental effect on the quality of life of those in the locality) and
  - (c) A proportionate means of achieving the legitimate aim
16. The two issues which must therefore be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits the city centre.
17. The Board must also have regard to the public sector equality duty at s149 of the Equality Act 2010, which is as follows –
  - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  - (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in (1) above.
  - (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
    - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
    - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
    - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
18. The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.



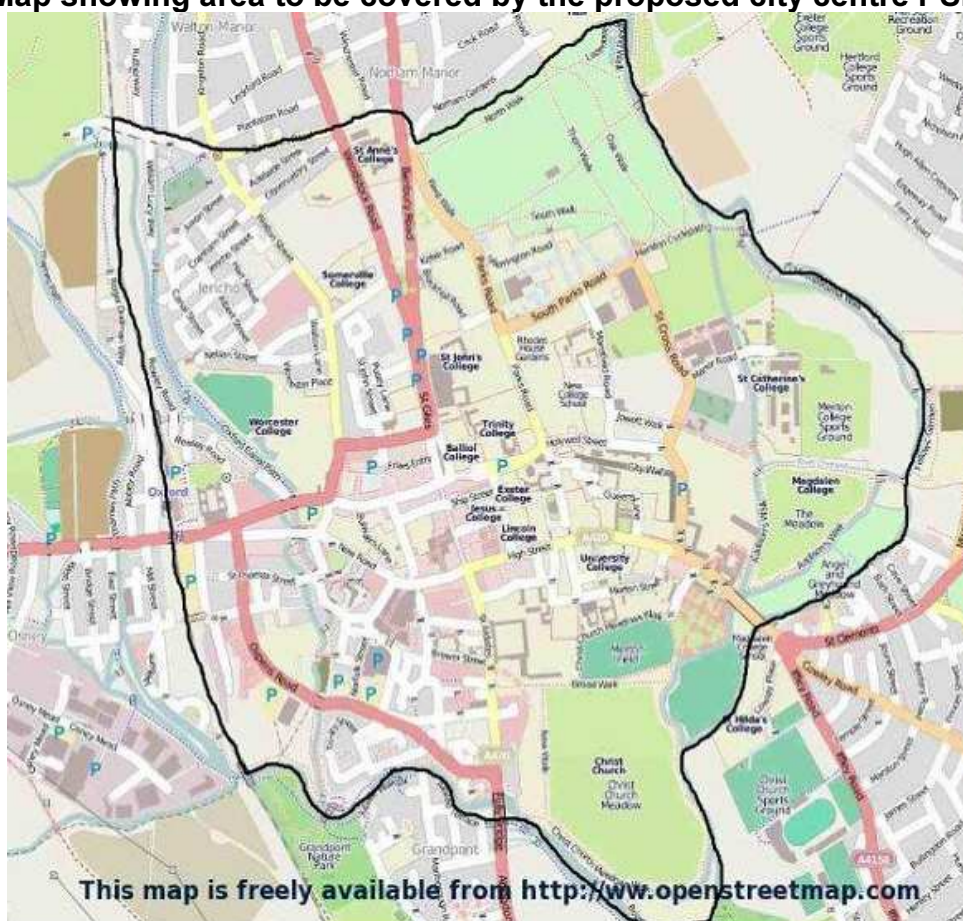
## Overview of the City Centre

19. Oxford's population grew by 12% over the decade 2003–2013, making it the eighth fastest growing English city. It has 155,000 residents and an additional 45,000 people live in adjacent urban areas. The city's population is projected to reach 165,000 by 2023.
20. Oxford has the seventh highest number of international visitors for any UK city. An estimated nine million domestic and international visitors come to the city for tourism each year.
21. Footfall statistics show an estimated 320,000 people per week access Cornmarket Street, peaking between 11 a.m. and 4 p.m. with over 5,000 visitors per hour. Figures for Queen Street show a total of 230,000 people per week, with a similar pattern over 3,000 visitors per hour during peak times.
22. The Oxford city centre Police Inspector has provided an overview of the issues his team faces in the city centre.
23. "I have been a Police officer for Thames Valley Police for approximately 15 years and I have worked in Oxford City for 7 of those years, first arriving in the City in 2007 as a neighbourhood Sergeant for the City Centre neighbourhood where I was in post for approximately two and a half years. I returned to Oxford City centre as the neighbourhood Inspector in 2013 and have remained in my position for approximately 2 years.
24. My role on the neighbourhood has been to manage a team of officers whilst working with partners and residents to problem solve the priorities that have been identified by the local community.
25. Throughout my time as both a Sergeant and Inspector there have been a number of areas that continue to be raised by the public that are having a detrimental effect on the lives of those that live in and attend the area of Oxford City Centre. These issues include begging, street drinking, graffiti, cycling on pavements or in prohibited areas, dogs that are not on the leads, pedlars, and buskers. Over the 7 years since I first started on the neighbourhood these issues have been tackled using a variety of different tactics to both deal with the behaviours/offences and the causes of the behaviours. In spite of all this work these behaviours continue to be seen in the area and continue to be complained about.
26. In spite of all this work these behaviours continue to be seen in the area and continue to be complained about due to their having a detrimental impact on the quality of life for those in Oxford City centre. The nature of these activities and behaviours are unreasonable and are likely to continue in spite of the tactics used to date. It is for this fact that I believe the restrictions contained within the proposed PSPO are entirely justifiable."

## Consultation

27. A full programme of public consultation using the council's eConsult questionnaire began on Monday 9<sup>th</sup> February and concluded on the 31<sup>st</sup> March 2015. Engagement methods to encourage respondents included:
- Media coverage and press release
  - Over 3000 letters sent to businesses, universities and residents within the area of the order.
  - Public consultation face-to-face on the street
  - Representation at key forums
  - Consultation with Thames Valley Police and the Police Crime Commissioner's office
28. The table in Appendix 2 illustrates the results of theeConsult consultation received up to the closing date on the 31<sup>st</sup> March 2015 and for 26<sup>th</sup> March 2015. From the 26<sup>th</sup> March to the end of the consultation period, and beyond, there was significant media interest in the proposals generated by an on-line petition. Responses to the eConsult questionnaire increased by 128%. 58% of respondents stated they visited, lived or worked in, the city centre. A further 32% stated they live in Oxford but not in the city centre.

### Map showing area to be covered by the proposed city centre PSPO



29. Initial consultation with a cross party group of Members resulted in the proposed prohibition on feeding pigeons, being withdrawn from the draft order. While

acknowledging the impact large flocks of pigeons in the city centre, it was felt that there were more effective methods for controlling numbers.

30. Following the end of the consultation period a number of additional representations were made to the Council concerning the proposal to include a prohibition restriction people from sleeping on the streets when they have accommodated. This proposal is also not being pursued within the draft Order recommended by this report.
31. The Board should have regard to the entirety of the consultation responses set out in Appendix 2.
32. CEB deferred consideration of a city centre PSPO at its meeting held on the 11<sup>th</sup> June due to the submission, on the day of the meeting, of a detailed legal opinion commissioned by the National Council for Civil Liberties. As the opinion made a number of criticisms of the June report the opportunity has been taken to address those criticisms by re-drafting sections of the report. This report differs therefore from the report before CEB in June of this year.
33. The principal criticisms of the June CEB report made by the Liberty opinion related to three matters. First, it was said that the statutory conditions which must be satisfied before a PSPO can be adopted were not met by the previous report. This report deals with that issue more clearly and comprehensively by addressing the statutory criteria for each aspect of the proposed Order. Second, that the report had not dealt adequately with the public sector equality duty (S149 Equality Act 2010). This report also deals with that issue more comprehensively and the equality impact assessment has been re-drafted and expanded. Third, that there were legal flaws in specific prohibitions, namely begging, remaining in a public toilet and busking. Whilst it is not accepted that the previous prohibitions were incapable of being lawfully adopted, the opportunity has been taken to amend the prohibitions in respect of begging and busking such that the criticisms are no longer applicable. Remaining in a public toilet without reasonable excuse is still a recommended prohibition and in the view of the Council's Solicitor the Board may lawfully adopt it.
34. The remainder of this report deals with each of the behavioural issues dealt with by the draft Order, paying particular regard to whether the statutory conditions are met, and if so, the proportionality of the proposed restrictions. The statutory conditions are whether the activity has a detrimental effect on the quality of life of those in the locality, and is persistent and unreasonable.

## **Begging**

35. Between the 1st July 2014 and 15th June 2015 there were 89 reports of begging made to the police in Oxford. There were 41 arrests or voluntary interviews for begging under the Vagrancy Act 1824.
36. On the 30<sup>th</sup> October 2014 the police introduced a 48-hour dispersal authorisation from George Street to Little Clarendon Street to deal with begging.

37. eConsult survey results found that during the last 12 months, of the total respondents:
- 81% had seen this issue in Oxford city centre
  - 16% felt that the situation had got worse, 9% felt it had got better
  - 40% had been affected by begging in the last 12 months
  - 34% felt it should be included in a PSPO, 54% felt it shouldn't
38. Published independent research from DrugScope, 2004: "Drug Misuse and Begging" concludes that the majority of the funds raised through begging are used to sustain a significant substance misuse habit, not for food or shelter.
39. This conclusion is supported by Oxford City Council's independent research into the effectiveness of the council's Kindness Can Kill campaign in 2012. The research found that the majority of money from begging is used by drug users and those addicted to alcohol to sustain their habits. Supported by local homelessness organisations, the council and police, the campaign encouraged members of the public not to give to people begging but to donate to local homeless charities instead. The views of Crisis, are attached as Appendix Four, who do not condone aggressive or threatening behaviour but, alongside a number of charities who support the homeless, were concerned that persistent begging was proposed within the order.
40. Freedom of Information figures from 34 of the 43 police forces in England and Wales, obtained by the BBC in July 2015, suggest that less than one in five beggars are in fact homeless.
41. Begging is illegal under the Vagrancy Act 1824 and enforced by the police by way of arrest and summons to court. It is a recordable offence which allows the court to impose community sentences. The PSPO provides an alternative to arrest, through FPNs (£100) or a summons to court.

42. Conditions test for begging.

Condition 1: Detrimental effect on those in the locality	89 reports of begging in a 12 month period to the police. 40% of people who responded to the survey had been affected by the activity in the city and 34% of people who responded to the survey agreed that the activity should be included in the PSPO. National research shows that begging primarily funds substance misuse.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Patterns of recorded incidents to the police occur throughout the year. Begging by nature is often persistent whether through "location" or "mobile" begging as an individual will rarely beg for money just once. The effect of the activity of begging is unreasonable to some members of the public who feel intimidated or harassed by those begging.

Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent aggressive begging continuing, occurring or recurring. The order will target aggressive begging, including begging near cash machines or when a person is made to feel intimidated or harassed.
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### Proper use of public toilets

43. Significant health and safety issues are being raised with regard to substance misuse, vandalism and sleeping in public toilets. The council are responsible for the upkeep, maintenance and safe use of the facilities. Records from Oxford City Council Street Scene Operatives show that between January and June 2015 there were 72 incidents relating to city centre toilets, including:
- On 15 occasions, a person was found drinking alcohol in the toilet or alcohol containers were found.
  - On 26 occasions, one or more people were sleeping or occupying the toilet for an extended period of time.
  - On 9 occasions, a person was found using drugs in the toilet or drugs paraphernalia was left in the toilet. There has been one death from a drug overdose in the toilet in the time period. A further two overdoses occurred in July.
  - Other incidents include lighting fires and vandalism.
44. eConsult survey results found that during the last 12 months, of the total respondents:
- 9% had seen this issue in Oxford city centre
  - 4% felt that the situation had got worse, 1% felt it had got better
  - 6% had been affected by the issue
  - 33% felt it should be included in a PSPO, 48% felt it shouldn't
45. The data demonstrates how public facilities are being used for illicit purposes, denying access to the public and costing a significant amount of money to clean and maintain. Over the weekend of the 3<sup>rd</sup> July a dispersal power was invoked by the police in the area of one toilet block to deal with the anti-social behaviour and substance misuse taking place.
46. Conditions test for proper use of public toilets.

Condition 1: Detrimental effect on those in the locality	72 incidents of these activities in the first six months of 2015. 33% of people who responded to the survey agreed that the activity should be included in the PSPO. Council staff are put at risk when having to remove people and drug-related paraphernalia from the toilets.
Condition 2 (a) and (b): Effect of the activities are	Patterns of recorded incidents to the council occur throughout this year.

persistent and unreasonable	It is unreasonable to deny others access to public facilities or leave drug paraphernalia in the toilets. The facilities are used by families and young children.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent activities in toilets that are continuing, occurring or recurring. The order will target behaviours that are a risk to the public accessing the facilities and the perpetrator.

### Urination and defecation in public spaces

47. Police data shows that between 1<sup>st</sup> August 2014 and 29<sup>th</sup> July 2015, there were 20 incidents of urinating or defecating in public in the city centre. This is very likely to be below the actual number of occurrences due to the nature of the offence.
48. eConsult survey results found that during the last 12 months, of the total respondents:
- 32% seen this issue in Oxford city centre
  - 10% felt that the situation had got worse, 1% felt it had got better
  - 25% had been affected by the issue
  - 58% felt it should be included in a PSPO, 29% felt it shouldn't
49. Conditions test for urination and defecation in public spaces.

Condition 1: Detrimental effect on those in the locality	There were 20 incidents logged by the police. 58% of respondents felt that this activity should be included in the PSPO, with 32% having seen it take place.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Business premises regularly have to clean up their properties. It is unreasonable to urinate or defecate in a public place.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent urination or defecation that are continuing, occurring or recurring. The order is proportionate in tackling the public health risk of this activity.

### Cycling prohibitions

50. Officers have witnessed the issue on a daily basis and ran an operation in 2014. Over five days officers spoke to 320 people regarding cycling in the restricted areas of Queen Street and Cornmarket Street.
51. In July 2015, officers conducted a two-hour operation in Queen St and Cornmarket St and spoke to 51 people contravening the traffic order. Four

members of the public complimented officers on the action they were taking.

52. Footfall figures for the two streets put the number of people using the area at over 3,000 per hour.
53. eConsult survey results found that during the last 12 months, of the total respondents:
  - 67% seen this issue in Oxford city centre
  - 3% felt that the situation had got worse, 19% felt it had got better
  - 41% had been affected by the issue
  - 40% felt it should be included in a PSPO, 44% felt it shouldn't
54. Conditions test for cycling in prohibited areas.

Condition 1: Detrimental effect on those in the locality	The Traffic Restriction Order was introduced to reduce the risk of harm to the public and cyclists during the peak hours of 10 a.m. to 6 p.m. Contravention of the order increases the risk of accidents between pedestrians and cyclists. 41% of respondents had been affected by the issue, and 40% felt that this activity should be included in the PSPO. 67% of respondents have seen it take place.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	As evidenced by the operations, the activity occurs many times each day. The increased risk of harm to pedestrians and cyclist is unreasonable.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent cycling in restricted areas that are continuing, occurring or recurring. The order is proportionate in supporting an existing traffic restriction to prevent injury to cyclists and pedestrians.

### **Busking and street entertainment**

55. There are 501 complaints logged by the council between 2004 and 2014. The seasonal profile shows complaints tend to begin in March and remain stable until June. In July and August there is a peak in complaints to nearly double the June levels. Between October and February the number of complaints remains low.
56. In 2010 a dedicated email address was created to handle all noise complaints reported to the council. To date 160 complaints have been sent to the email address. However, busking complaints often come in by telephone and an officer attends immediately, therefore they are not captured on the email system or logged as a case.

57. eConsult survey results found that during the last 12 months, of the total respondents:
- 54% seen this issue in Oxford city centre
  - 11% felt that the situation had got worse, 4% felt it had got better
  - 26% had been affected by the issue
  - 32% felt it should be included in a PSPO, 53% felt it shouldn't
58. Oxford has a Busking Code of Conduct that has been in operation for over a decade. Discussions have taken place with interested parties who have worked with York and Liverpool City Council's to develop their Code of Conduct. The York Code of Conduct describes the enforcement approach that the council will take regarding nuisance buskers. The problems of obstruction of the highway and noisy, invasive or repetitious music are identified within the Code. Enforcement options in York's are Community Protection Notices (including seizure of equipment), Statutory Noise Abatement Notices (including the power to seize equipment), a busking bye-law and Highways Act powers to deal with obstruction. These enforcement options are available in Oxford, with the PSPO fulfilling the purpose of the York byelaw.
59. Complaints relating to street entertainment are usually made when the Code of Conduct has not been adhered to. The PSPO gives officers a tool to deal with people who continually refuse to comply, and provides quicker respite to those affected. Likewise, complaints about entertainers who are complying with the Code of Conduct will not be taken forward, and an explanation given to the complainant.
60. Conditions test for busking and street entertainment.

Condition 1: Detrimental effect on those in the locality	There is an average of 50 complaints per year, mainly relating to noise levels and obstruction. Complaints peak during the summer months when footfall is highest. 11% of respondents felt the issue had got worse, compared to 4% who felt it had improved. 32% felt that this activity should be included in the PSPO.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Complaints commonly relate to intrusive noise levels. Busking sites are often utilised throughout the day during the Easter and Summer months. The effect of not adhering to a code of conduct is unreasonable, particularly on those who live or work in the city centre.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent nuisance caused by busking or street entertainment that are continuing, occurring or recurring. The order is proportionate for addressing complaints of noise nuisance. Advice will always be given as set out in a code of conduct.



## Illegal peddling

61. There are 39 cases of illegal peddling on council systems since 2003. Pedlars are required to ply their trade from town to town, moving between sales. Selling goods from a static position requires a Street Trading Licence. Complaints from businesses are mostly in regards to obstruction and the sale of goods in competition with shops without paying for a street trading licence.
62. eConsult survey results found that during the last 12 months, of the total respondents:
- 36% seen this issue in Oxford city centre
  - 8% felt that the situation had got worse, 2% felt it had got better
  - 15% had been affected by the issue
  - 37% felt it should be included in a PSPO, 32% felt it shouldn't
63. Stall holders selling their goods who aren't using a static pitch trade using a pedlar's licence. Officers witness stall holders trading most days during the Easter, Christmas and summer periods, without a street trading consent. They are not peddling but street trading without a licence. Existing street trading powers are no deterrent, with illegal traders paying a nominal court fine and returning to the location the following day.
64. Conditions test for peddling.

Condition 1: Detrimental effect on those in the locality	Complaints from 8% of respondents felt the issue had got worse, compared to 2% who felt it had improved. 37% felt that this activity should be included in the PSPO.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Stall holders sell their goods in Oxford City centre daily during the Christmas, Easter and summer periods, in contravention of street trading and peddling legislation. The stalls cause obstruction to the highway and trade without the necessary consents.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent illegal street trading that is continuing, occurring or recurring. The order is proportionate in giving immediate respite through advice, warning and enforcement. Advice will always be given as set out in a code of conduct.

## Alcohol consumption in a public place

65. Since 2004 Oxford City Council has a Designated Public Places Order (DPPO) that enables a police officer to confiscate alcohol if they believe it is, or could, be a contributing factor in public disorder. The Order covers the whole of Oxford

and has been successful in limiting anti-social behaviour linked to drinking in public. The Act requires a DPPO to be replaced by a PSPO within three years of their repeal in October 2014.

66. Between 1<sup>st</sup> August 2014 and 29<sup>th</sup> July 2015 there were 161 reports of street drinking logged by the police in the Oxford Central Neighbourhood.
67. Alcohol is a key factor in violent crime. There were 249 violence and sexual offences recorded by the police in the area of the proposed PSPO between January and May 2015. Data is not available that shows whether the offences are in a public place. However, police officers witness alcohol-related violence in the city centre and have a dedicated operation to target these incidents: Operation Nightsafe.
68. eConsult survey results found that during the last 12 months, of the total respondents:
  - 72% seen this issue in Oxford city centre
  - 17% felt that the situation had got worse, 4% felt it had got better
  - 43% had been affected by the issue
  - 52% felt it should be included in a PSPO, 36% felt it shouldn't
69. Conditions test for alcohol consumption in a public place.

Condition 1: Detrimental effect on those in the locality	There were 161 incidents of street drinking reported to the police between 1 <sup>st</sup> August 2014 and 29 <sup>th</sup> July 2015 72% of respondents had seen the issue, with 43% affected by it. 52% felt that this activity should be included in the PSPO.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Police data indicates that street drinking is persistent in nature and connected to violent crime and disorder.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent alcohol consumption in a public place that is continuing, occurring or recurring. The order will be used where alcohol consumption in a public place causes, or is likely to cause, anti-social behaviour. The order is proportionate by replacing the existing Designated Public Places Order, as required by the Anti-Social Behaviour, Crime and Policing Act 2014.

### **Dogs out of control**

70. From 2013 to July 2015, 112 incidents of dog fouling in the city centre wards of Carfax and Holywell have been recorded by Oxford City Council.

71. Since 2007 Oxford City Council has had Dog Control Orders. The Act requires Dog Control Orders to be replaced by a PSPO within three years of their repeal in October 2014.
72. eConsult survey results found that during the last 12 months, of the total respondents:
- 39% seen this issue in Oxford city centre
  - 14% felt that the situation had got worse, 3% felt it had got better
  - 28% had been affected by the issue
  - 55% felt it should be included in a PSPO, 28% felt it shouldn't
73. Conditions test for dogs out of control.

Condition 1: Detrimental effect on those in the locality	<p>There were 112 dog fouling incidents recorded by Oxford City Council between 2013 and July 2015 in the city centre. 39% of respondents had seen the issue, with 14% feeling it had got worse. 55% felt that this activity should be included in the PSPO.</p> <p>Respondents views on conditions for the control of dogs:</p> <p>All dogs to be on a lead – Majority Agree</p> <p>No more than 4 dogs to be walked by one person - Majority Agree</p> <p>Dog mess to be cleaned up by the person walking the dog – Majority Strongly Agree</p> <p>No dogs allowed in indoor/covered areas of the City (medical exemptions) - Majority Agree</p>
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	<p>There are no significant trends in dog control issues, they occur throughout the year. The risk to public health and the cost of cleaning the pavements are unreasonable. Dogs not kept under proper control in high footfall areas with large numbers of vehicles passing can cause a risk to the public.</p>
Condition 2 (c): justifies the restrictions imposed by the notice	<p>The order provides a power to authorised officers to reduce or prevent the impact of dogs that are not under the control of the owner, which is continuing, occurring or recurring.</p> <p>Dogs not on a lead are not adequately under control in a high footfall area with a large number of buses and taxis using the roads throughout the day and evening.</p> <p>The order is proportionate by replacing the existing Dog Control Orders, as required by the Anti-Social Behaviour, Crime and Policing Act 2014.</p>

## Conclusion

74. The evidence presented in the report and the views of the respondents demonstrate that existing legal remedies are slow and inadequate. The draft order targets nuisance behaviours that require a proportionate level of involvement by local authorities and the police, and timely respite for the complainant.
75. Enforcement of the order will be taken in accordance with the Council's ASB Policy. The policy clearly sets out the approach that starts with advice and explanation, prior to warnings and any enforcement action.
76. On consideration of the requirements of the Act, other relevant legislation, the evidence and consultation the following anti-social behaviours are proposed to be restricted in the draft PSPO, as set out in Appendix One:
- Aggressive begging
  - Inappropriate use of public toilets
  - Urinating or defecating in public places
  - Cycling in Queen Street or Cornmarket Street outside permitted hours.
  - Busking or street entertainment that causes nuisance
  - Illegal street trading
  - Drinking alcohol in a public place
  - Control of dogs

## Environmental

77. No expected issues

## Risks

78. See Risk Assessment.

## Financial Implications

79. The cost of implementing PSPOs will be funded through existing budgets.

### Name and contact details of author:-

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## **Appendix 1: Draft PSPO**

### **OXFORD CITY COUNCIL**

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

#### **PART 4, SECTION 59**

#### **PUBLIC SPACES PROTECTION ORDER**

Oxford City Council (the Council) in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

- 1 The Order applies to the public areas shown delineated by the black line on the plan annexed to this Order (the Restricted Area):
  - a) No person shall aggressively beg. Aggressive begging includes begging near a cash machine or begging in a manner perceived to be intimidation or aggressive.
  - b) No person shall remain in a public toilet without reasonable excuse.
  - c) No person shall urinate or defecate in a public place. This includes the doorway or alcove of any premises to which the public has access.
  - d) No person shall cycle within Queen Street or Cornmarket Street outside the permitted cycling times of 6 p.m. to 10 a.m.
  - e) No person shall perform any type of street entertainment that causes a nuisance to nearby premises or members of the public. This includes obstructing the highway or shop entrances, or using street furniture including public seats, lamp posts and railings.
  - f) No person trading as a pedlar shall:
    - remain in any location for more than 10 minutes unless it is to make a transaction
    - locate themselves within 50 metres of their previous location
    - return to any location already occupied in the last three hours
    - obstruct the highway or shop entrances
  - g) No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required, to do so by an authorised officer in order to prevent public nuisance or disorder.
  - h) Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she:

- fails to keep the dog on a lead and under physical control at all times
- is found to be in charge of more than four dogs whilst in a public place
- allows the dog to foul in a public place and then fails to remove the waste and dispose of it in an appropriate receptacle
- allows the dog to enter any covered public space

The provisions of this order relating to the control of dogs shall not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.

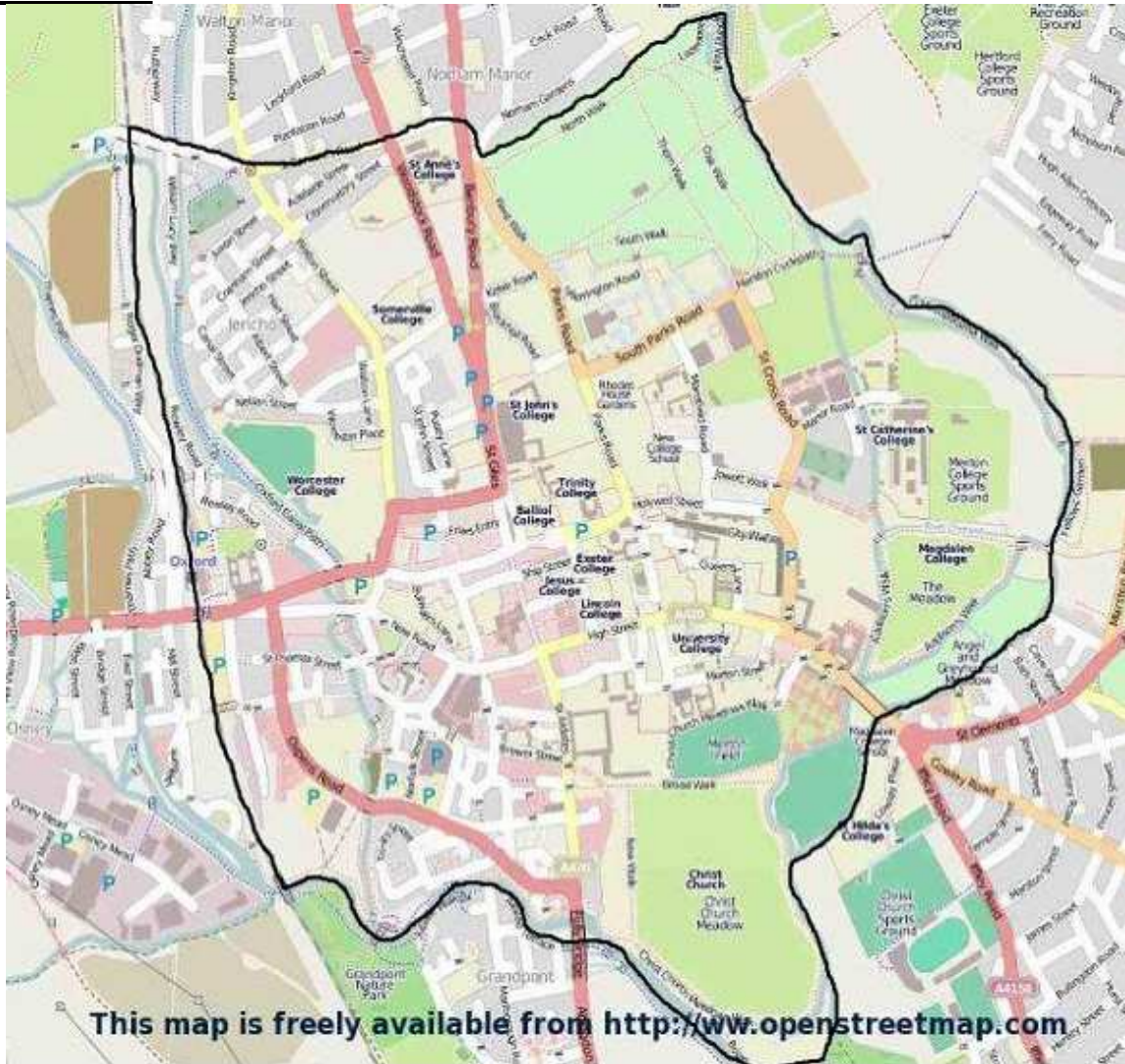
2 Any person who, without reasonable excuse, fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

3 This Order shall come into force on ..... and remain in place for a period of three years.

Dated 2015

Signed .....

## **SCHEDULE**



### **CHALLENGING THE VALIDITY OF ORDERS**

An interested person may apply to the High Court to question the validity of—

- a) This Order, or
- b) A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the order or variation is made, on the grounds that:

- a) Oxford City Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.





## Appendix Two: The eConsult consultation survey and results as at 31 March 2015

The table shows whether responses were for (Yes) or against (No) the inclusion of each prohibition in the Order.

Behaviour	Responses presented to the Member Reference Group on 26/03/2015	Responses received by the end of the consultation period, 31/03/2015	Increase in responses
Persistent Begging	Yes 52%(154) No 28%(84)	Yes 34%(187) No 54%(294)	33 210
Sleeping in toilets	Yes 51%(150) No 23%(68)	Yes 33%(180) No 48%(264)	30 196
Urinating / Defecating	Yes 75%(223) No 13%(39)	Yes 58%(317) No 29%(161)	94 122
Cycling prohibitions	Yes 56%(165) No 30%(90)	Yes 40%(221) No 44%(238)	56 148
Sleeping on the streets when accommodated	Yes 46%(136) No 36%(107)	Yes 28%(152) No 60%(330)	16 223
Busking / Street entertainment	Yes 49%(145) No 35%(103)	Yes 32%(176) No 53%(289)	31 186
Peddling	Yes 55%(160) No 19%(56)	Yes 37%(201) No 34%(185)	41 129
Street Drinking	Yes 73%(218) No 16%(47)	Yes 52%(285) No 36%(197)	67 150
Graffiti / Street art	Yes 56%(167) No 31%(92)	Yes 38%(210) No 49%(268)	43 176
Pigeon feeding	Yes 53%(159) No 28%(84)	Yes 43%(232) No 38%(212)	73 128
Dog Control	Yes 70%(203) No 15%(45)	Yes 55%(292) No 28%(150)	89 105

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## **Appendix Three: The eConsult consultation survey and results as at 31<sup>st</sup> March 2015**

Closing date: 31<sup>st</sup> March 2015.

### **Topography of respondents**

I live in Oxford city centre 35% (240)  
I live in Oxford, but not the city centre 32% (215)  
I live outside Oxford 6% (44)  
I work in Oxford city centre 22% (146)  
I am a visitor to Oxford 3% (22)  
Other 2% (11)

### **Consultation topics**

#### **1 Persistent begging**

Oxford City Council and Thames Valley Police are working together to tackle persistent begging, which is an offence under the Vagrancy Act 1824. Under the Public Spaces Protection Order people persistently begging will be identified by a multi-agency working group, warned about their behaviour and encouraged to access the support available to them. If their behaviour continues they could be in breach of the Order.

Have you seen people persistently begging in Oxford city centre in the last 12 months?

Yes 81% (444)  
No 19% (102)

Has this got better or worse in Oxford city centre in the last 12 months?

Better 9% (48)  
Worse 16% (88)  
No change 53% (292)  
Don't know 22% (119)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 40% (220)  
No 60% (324)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 34% (187)  
No 54% (294)  
Don't Know 12% (67)

## **2 Sleeping in public toilets**

Oxford City Council has identified that toilets are sometimes being used to sleep in and other associated behaviour. This can prevent access to the facilities by the public.

Have you seen people sleeping in public toilets in Oxford city centre in the last 12 months?

Yes 9% (47)

No 91% (501)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 1% (7)

Worse 4% (23)

No Change 15% (82)

Don't Know 79% (432)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 6% (31)

No 94% (514)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 33% (180)

No 48% (264)

Don't Know 19% (103)

## **3 Urinating or defecating in public places**

The problem of people urinating or defecating in Oxford city centre has been identified by partners as an issue that affects the public, public services and traders alike.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 32% (172)

No 68% (373)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 1% (6)

Worse 10% (53)

No Change 26% (143)

Don't Know 63% (341)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 25% (136)

No 75% (408)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 58% (317)

No 29% (161)  
Don't Know 13% (69)

#### **4 Cycling prohibitions**

Oxford City Council fully supports cycling throughout the city. However, for public safety reasons there are some roads with cycling prohibitions, and these prohibitions are sometimes being ignored.

Have you seen this issue in Oxford city centre in the last 12 months?  
Yes 67% (365)  
No 33% (180)

Has the issue got better or worse in Oxford city centre in the last 12 months?  
Better 3% (16)  
Worse 19% (102)  
No Change 48% (262)  
Don't Know 31% (167)

Have you been affected by this issue in Oxford city centre in the last 12 months?  
Yes 41% (222)  
No 59% (321)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?  
Yes 40% (221)  
No 44% (238)  
Don't Know 16% (87)

#### **5 Sleeping on the streets**

Oxford City Council strongly supports agencies to help people who find themselves sleeping on the city streets due to difficult circumstances. However, a small number of people who have been provided with support and accommodation choose to continue to sleep on the streets, putting their health and well-being at risk. These people are identified by a multi-agency working group, are encouraged to access the support available to them and could be warned about their behaviour.

Have you seen this issue in Oxford city centre in the last 12 months?  
Yes 80% (432)  
No 20% (109)

Has the issue got better or worse in Oxford city centre in the last 12 months?  
Better 5% (25)  
Worse 22% (120)  
No Change 40% (219)  
Don't Know 33% (181)

Have you been affected by this issue in Oxford City Centre in the last twelve months?

Yes 29% (160)  
No 71% (383)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 28% (152)  
No 60% (330)  
Don't Know 12% (66)

## **6 Non-compliant busking and street entertainment**

Oxford City Council encourages safe busking and street entertainment in Oxford city centre. A voluntary code of practice has been developed over a number of years to support this aim for the benefit of the public and the entertainers. The code of practice covers noise levels, length of time in one place, authorised locations, size of pitch area and the authorised period of entertainment. The code of practice is available on the City Council's [website](#). However, some entertainers do not comply with the code resulting in unfair and sometimes unsafe practices.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 54% (296)  
No 46% (248)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 4% (21)  
Worse 11% (60)  
No Change 43% (234)  
Don't Know 42% (227)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 26% (137)  
No 74% (398)

Should the busking and street entertainment code of practice be regulated through the Public Spaces Protection Order?

Yes 32% (176)  
No 53% (289)  
Don't Know 14% (77)

Should the Public Spaces Protection Order regulate behaviour(s) that are not covered by the busking and street entertainment code of practice?

Yes (please comment) 13% (72)  
No 51% (277)  
Don't Know 36% (194)

## **7 Illegal peddling**

Oxford City Council supports legal peddling in accordance with the Pedlars Act 1871. There is a code of practice available on the City Council's [website](#) that identifies what peddling is and how it should be conducted in order to comply with the law.

However, there are certain people who do not comply and therefore unfairly disadvantage others within the city centre.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 36% (193)

No 64% (349)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 2% (12)

Worse 8% (46)

No Change 31% (167)

Don't Know 58% (317)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 15% (83)

No 85% (455)

Should the peddling code of practice be regulated through the Public Spaces Protection Order?

Yes 37% (201)

No 34% (185)

Don't Know 28% (153)

Should the Public Spaces Protection Order regulate behaviour(s) that are not covered by the peddling code of practice?

Yes (please comment) 14% (74)

No 41% (221)

Don't Know 46% (248)

## **8 Street drinking**

Oxford City Council currently has a Designated Public Protection Order in place for the whole city with regard to anti-social behaviour associated with street drinking. The order doesn't stop street drinking but does deal with the associated anti-social behaviour. The new Act requires current Designated Public Protection Orders to be replaced by Public Spaces Protection Orders.

Have you seen anti-social behaviour associated with alcohol consumption in Oxford city centre in the last 12 months?

Yes 72% (393)

No 28% (150)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 4% (20)

Worse 17% (93)

No Change 52% (280)

Don't Know 27% (148)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 43% (235)

No 57% (307)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 52% (285)

No 36% (197)

Don't Know 12% (65)

## **9 Graffiti and pavement drawings**

Graffiti is defined as a criminal damage offence. Drawing directly onto pavements is also an offence. Oxford City Council is working closely with its partners to clean up and prevent graffiti. However it encourages responsible street art that is not placed directly onto structures or highways.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 69% (374)

No 31% (171)

Has the issue got better or worse in Oxford City Centre in the last twelve months?

Better 5% (29)

Worse 16% (88)

No Change 49% (263)

Don't Know 30% (160)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 26% (143)

No 74% (399)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 38% (210)

No 49% (268)

Don't Know 13% (69)

## **10 Pigeon feeding**

Pigeon feeding is littering and encourages an overpopulation of pigeons within the city centre. The food not eaten encourages vermin such as rats and the pigeons cause significant damage to properties within the city. Certain areas of the city require the presence of a hawk to try and reduce the impact of the large population of pigeons in their area.

Have you seen pigeon feeding in Oxford city centre in the last 12 months?

Yes 36% (196)

No 64% (347)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 3% (15)

Worse 8% (43)



No Change 39% (209)  
Don't Know 50% (270)

Have you been affected by this issue in Oxford city centre in the last 12 months?  
Yes 21% (111)  
No 79% (428)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?  
Yes 43% (232)  
No 39% (212)  
Don't Know 19% (101)

## **11 Out of control dogs**

Dog control orders are being phased out and where necessary are being replaced by Public Spaces Protection Orders. Out of control dogs and dog mess are issues that Oxford City Council believes should be controlled within the City centre.

Have you seen this issue in Oxford city centre in the last 12 months?  
Yes 39% (209)  
No 61% (330)

Has the issue got better or worse in Oxford city centre in the last 12 months?  
Better 3% (18)  
Worse 14% (76)  
No Change 38% (205)  
Don't Know 45% (241)

Have you been affected by this issue in Oxford city centre in the last 12 months?  
Yes 28% (152)  
No 72% (384)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?  
Yes 55% (292)  
No 28% (150)  
Don't Know 17% (91)

To what extent do you agree with the following proposals?

- All dogs to be on a lead – Majority Agree
- No more than 4 dogs to be walked by one person - Majority Agree
- Dog mess to be cleaned up by the person walking the dog – Majority Strongly agree
- No dogs allowed in indoor/covered areas of the City (medical exemptions - Majority Agree

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## **Appendix Four: Crisis Skylight email and signatory list**

“Dear Sirs

We are responding to this consultation as a group of organisations and individuals who work with homeless people or are concerned about homelessness in Oxford. We are sending this consultation response by email as we do not consider the tick boxes given on the online questionnaire to be sufficient to give our considered view on these important issues

### **Rough Sleeping**

We are very concerned that, as part of the consultation on the new proposed Public Spaces Protection Order, Oxford City Council appears to be considering banning or further restricting rough sleeping. While we appreciate that no specific plans have been announced, we believe that any such policy would be particularly ill thought out and likely to be counter-productive.

We do appreciate that Oxford residents and businesses can experience problems from rough sleeping in the city centre. It is also to be welcomed that the reasons the council uses to defend their proposals include a commitment to outreach work and an acknowledgement that, wherever possible, rough sleepers should be supported into hostels and other services. However, we simply do not see how making rough sleeping a criminal offence will contribute to the council's aim of 'reducing rough sleeping to as near zero as we can achieve.'

We believe that any such ban or further restriction would be ill-conceived for the following reasons:

- Moving rough sleepers out of the designated area with the threat of criminal charges will only result in them moving to another location, which could include moving out of sight and away from services. It will not help them to resolve their homelessness, nor will it be a constructive way to encourage them to engage with services.
- Imposing fines on rough sleepers which they have no possible way of paying is an ultimately pointless exercise, and giving extremely vulnerable people a criminal record could jeopardise their chances of recovery.
- It is likely to antagonise a range of voluntary and statutory bodies which work with rough sleeping and will damage their relationships with Oxford City Council.
- The police and the council already have extensive powers to deal with any criminal and anti-social behaviour by rough sleepers, so new legislation is unnecessary.

We reject the notion that underpins this proposal and suggests that rough sleeping and particularly vulnerability is in some instance a “life style” choice - which needs enforcement action taken against it. We believe instead it is a situation which requires society and statutory and voluntary agencies to actively work together to engage the individuals involved as quickly as possible and then provide a holistic

package of support for as long as is necessary to help them out of homelessness and back into society.

We do not believe that criminalising the act of rough sleeping has any benefits at all for the individuals concerned, for the local community, for society at large or for any other statutory or voluntary agency working to tackle rough sleeping and help the individuals involved in Oxford.

### **‘Persistent’ begging**

We are also concerned that, as part of the consultation on the new proposed Public Spaces Protection Order, Oxford City Council appears to be considering banning or further restricting begging.

We believe that such a ban on begging would be ill-conceived for the following reasons:

- People who beg are some of the most vulnerable in our society and begging is a sign of deeper rooted problems, including homelessness, mental health and addiction problems.
- Though there is little evidence or research available on the people who beg, we know that the majority sleep rough or live in hostels and night shelters.
- We do not condone aggressive or threatening behaviour. However, homeless people are actually more likely to be the victims of violent crime than the perpetrators – with homeless people 13 times more likely to be a victim of violent crime than the general public.

We are also unclear as to why the focus is on “persistent” begging—as begging may be persistent without being in any way aggressive or threatening. As with rough sleeping, we believe that banning begging could criminalise vulnerable people, lead to fines being levied which cannot be paid (except, perhaps, through further begging) and displace vulnerable people away from services which can support them. Ultimately, the solution lies in society and statutory and voluntary agencies to actively working together to engage the individuals involved as quickly as possible and then provide a holistic package of support for as long as is necessary to help them until their issues have been addressed and they no longer turn to begging.

Signed

### **Organisations**

Crisis, Crisis Skylight Oxford, Aspire Oxford, Emmaus Oxford, Affordable Oxford, On Your Doorstep (Oxford University Students Union), The Gatehouse”

Subsequent additional organisations:

North Oxford Action Against Homelessness, The Big Issue Foundation, Homeless Link, Oxford Homeless Pathways

## **Appendix Five: Consultation engagement methods**

The Consultation involved:

- Letters to all businesses within the city centre (over 3000 letters)
- Letters to the Universities within the city centre
- Letters to the residents in the city centre (as per businesses)
- Public consultation on the street by city centre Ambassadors - to capture the opinion of the transient population (tourists etc) using a 1000 business cards.
- Representation at key forums – NAGS, business meetings and resident associations
- Media – Press release given to Oxford Mail in first week of March. This release is a continuation of a number of PSPO press releases since the new powers were released.
- Social media –released on Twitter
- Webpage – full details placed on the council website
- Buskers and street entertainers- City centre Ambassadors and Community Response Officers have approached a number of buskers.
- BBC Radio Oxford – Cllr Dee Sinclair (Board Member for Crime) took part in a radio discussion programme about the PSPO.
- Discussions with Area Commander Thames Valley Police and the Police Crime Commissioner's office
- 1000 registered members of eConsult contacted

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Appendix Six: City Centre Public Spaces Protection Order Risk Assessment

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
City Centre Public Spaces Protection Order	Multi agency enforcement	Lack of enforcement officers	Financial cutbacks in police and council	Ineffective legislation and negative public feedback	30th March 2015	Daryl Edmunds	4	2	4	2	2	2	Delegation of PSPO enforcement powers to the City Centre Ambassadors will ensure consistent presence and enforcement	Ambassadors will be trained by the ASB service to enforce in accordance with the Oxford City Council's ASB Enforcement Policy	11th June 2015	On-going		Simon manton / Laure Taylor
City Centre Public Spaces Protection Order	Negative public perception due to negative press	Council reputation	Lack of clear communication over the introduction and management of the PSPO	Negative reputation of council	30th March 2015	Daryl Edmunds	3	3	3	3	2	2	Regular press briefings will continue to be managed through the council media office	Regular clear positive press briefings explaining ethos of council	11th June 2015	On-going		Chafhomba Sithole / Daryl Edmunds
City Centre Public Spaces Protection Order	Council reputation with regard to zealous enforcement and targetting vulnerable members of society	Council reputation	Mismangement of enforcement of the PSPO	Negative reputation of council, wasted resources, failure of prosecutions.	30th March 2015	Daryl Edmunds	4	3	3	3	2	2	Enforcement policy is being written in line with the ethos of Oxford City Council	Strong management of staff in accordance with Oxford City Councils ASB Enforcement Policy	11th June 2015	On-going		Daryl Edmunds / Richard adams

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## Form to be used for the Full Equalities Impact Assessment

<b>Service Area:</b> Community Services		<b>Section:</b> Community Safety	<b>Date of Initial assessment:</b> 5 <sup>th</sup> January 2015	<b>Key Person responsible for assessment:</b> Richard Adams	<b>Date assessment commenced:</b> 5 <sup>th</sup> August 2015
<b>Name of Policy to be assessed:</b>			City Centre Public Spaces Protection Order		
<b>1. In what area are there concerns that the policy could have a differential impact</b>			<b>Race</b>	<b>Disability</b>	<b>Age</b>
			<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
			<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
<b>Other strategic/ equalities considerations</b>			<b>Safeguarding/ Welfare of Children and vulnerable adults</b>	<b>Mental Wellbeing/ Community Resilience</b>	
<b>2. Background:</b>  Give the background information to the policy and the perceived problems with the policy which are the reason for the Impact Assessment.			<p>Oxford City Council is proposing to introduce a City Centre PSPO restricting a number of behaviours within the city centre. A breach of the order is a criminal offence that can result in the offender being reported to the court or the breach being discharged through a £100 Fixed Penalty Notice.</p> <p>Restrictions on the proposed behaviours may have an impact on protected characteristics or other strategic equalities considerations, in particular the safeguarding of children and vulnerable adults, mental well-being and community resilience, and disability. The impact on all factors has been considered.</p>		

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

	<p>The assessment makes due regard to whether implementation of the order will:</p> <ul style="list-style-type: none"> <li>• Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equalities Act;</li> <li>• Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>• Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>
<p><b>3. Methodology and Sources of Data:</b></p> <p>The methods used to collect data and what sources of data</p>	<p>Data used to identify the types of behaviours within the proposed PSPO has come from the City Council and police databases. The datasets indicate the number of reports from members of the public and officers who have witnessed the behaviours.</p> <p>Use of the PSPO powers and advice given will be recorded in pocket note books and on council databases. The information will be analysed to determine whether the implementation of the powers has had a disproportionate effect upon the equality factors.</p>
<p><b>4. Consultation</b></p> <p>This section should outline all the consultation that has taken place on the EIA. It should include the following.</p> <ul style="list-style-type: none"> <li>• Why you carried out the consultation.</li> <li>• Details about how you went about it.</li> <li>• A summary of the replies you received from people you consulted.</li> <li>• An assessment of your proposed policy (or policy options) in the light of the responses you received.</li> <li>• A statement of what you plan</li> </ul>	<p>Implementation of a Public Spaces Protection Order requires public consultation as set out in the Anti-Social Behaviour Crime and Policing Act 2014. The consultation methodology was approved by the city council's Public Involvement Board.</p> <p>Consultation responses gave rise to concerns over:</p> <ul style="list-style-type: none"> <li>▪ Begging</li> <li>▪ Sleeping in toilets</li> <li>▪ Drinking alcohol in a public place</li> </ul> <p>Consultation responses did not raise concerns over:</p> <ul style="list-style-type: none"> <li>▪ Urinating or defecating in public places</li> <li>▪ Cycling in prohibited areas</li> <li>▪ Nuisance behaviours relating to noise</li> <li>▪ Illegal street trading</li> <li>▪ Graffiti</li> <li>▪ Control of dogs</li> </ul> <p>Please refer to the consultation report at appendix two of the City Centre PSPO CEB report.</p>

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

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to do next																			
<b>5. Assessment of Impact:</b> Provide details of the assessment of the policy on the six primary equality strands. There may have been other groups or individuals that you considered. Please also consider whether the policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults	<b>Begging</b> A case management panel of officers from the police, city council and outreach team meet on a monthly basis to discuss individuals who beg in the city centre. The support needs of each individual are considered including their housing situation, physical and mental health needs. Their offending behaviour is assessed and an appropriate plan put in place to move people off the streets and into accommodation and support.  Where engagement with the large number of local support services fails, enforcement action may be taken as determined by the panel. This approach balances the needs of the individual, principally substance misuse, physical and mental health concerns, with the need to tackle anti-social behaviour, respond effectively to complaints from the public and take action against illegal activities.  Research commissioned by the city council in 2012 supported the conclusion from other national research that the majority of money from begging is spent on drugs and alcohol. Very little is spent on shelter or food.  None of the people case managed by the panel has been, or is, a child. Any child identified would be dealt with under the police and council's safeguarding policies. <table><tr><td><b>Race</b></td><td><b>Disability</b></td><td><b>Age</b></td></tr><tr><td>Neutral</td><td>Negative Mental health considerations will be taken into account by officers.</td><td>Positive Young people will be referred into safeguarding mechanisms.</td></tr><tr><td><b>Gender reassignment</b></td><td><b>Religion or Belief</b></td><td><b>Sexual Orientation</b></td></tr><tr><td>Neutral</td><td>Neutral</td><td>Neutral</td></tr><tr><td><b>Sex</b></td><td><b>Pregnancy and Maternity</b></td><td><b>Marriage &amp; Civil Partnership</b></td></tr><tr><td>Neutral</td><td>Neutral</td><td>Neutral</td></tr></table>	<b>Race</b>	<b>Disability</b>	<b>Age</b>	Neutral	Negative Mental health considerations will be taken into account by officers.	Positive Young people will be referred into safeguarding mechanisms.	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>	Neutral	Neutral	Neutral	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>	Neutral	Neutral	Neutral
<b>Race</b>	<b>Disability</b>	<b>Age</b>																	
Neutral	Negative Mental health considerations will be taken into account by officers.	Positive Young people will be referred into safeguarding mechanisms.																	
<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>																	
Neutral	Neutral	Neutral																	
<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>																	
Neutral	Neutral	Neutral																	

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

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	<b>Inappropriate use of public toilets.</b> The common behaviours regarding the inappropriate use of public toilets fall into three categories: drug misuse, alcohol misuse and sleeping or suspected sexual activity. Public toilets within the city centre are designed as gender-neutral single toilet access or male/female cubicles. The single toilet access blocks enable a person to lock themselves in the toilet for long periods of time. Drug users and alcoholics often have physical and mental health needs. Toilets provide facilities for a drug user including clean water, adequate lighting, warmth and privacy.  City council cleansing staff regularly find discarded needles and alcohol containers in the toilets, and have difficulty removing people who have locked themselves in.  Public toilets are not a suitable place for drug users and alcoholics to use to support their addictions. They may fall unconscious or overdose. Clients have easy access to a wide range of support services including GPs, rehabilitation and hostels with “wet” facilities, some within 200m of the toilet block.		
	<b>Race</b> Neutral	<b>Disability</b> Positive Disabled people will be able to access clean toilets.	<b>Age</b> Neutral
	<b>Gender reassignment</b> Neutral	<b>Religion or Belief</b> Neutral	<b>Sexual Orientation</b> Neutral
	<b>Sex</b> Neutral	<b>Pregnancy and Maternity</b> Positive Parents with infants can access clean baby-changing facilities.	<b>Marriage &amp; Civil Partnership</b> Neutral
	<b>Urinating or defecating in public places</b>		

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

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	<p>Police data shows that the level of defecation in a public places happens relatively infrequently. Urination is commonly linked to the consumption of alcohol, whether in the evening economy from revellers leaving pubs and clubs, or people drinking alcohol in public areas.</p> <p>Toilet facilities are available for any person with an equalities consideration, whether during the day through the use of public toilets or cafés and restaurants, and during the evening with pubs and clubs having to provide toilet facilities.</p> <p>People with very complex mental or physical health issues may have reasonable excuse, a provision built into the PSPO. This would be assessed on a case by case basis and the situation would be very rare. Urination and defecation in a public place is a public health risk.</p>		
	<b>Race</b>	<b>Disability</b>	<b>Age</b>
	Neutral	Neutral	Neutral
	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
	Neutral	Neutral	Neutral
	<p><b>Cycling in prohibited areas</b></p> <p>This behaviour supports the existing traffic control order in Queen Street and Cornmarket Street. Disability considerations would be made on a case by case basis as there is no evidence to suggest disability would be affected by the order.</p>		
	<b>Race</b>	<b>Disability</b>	<b>Age</b>
	Neutral	Neutral	Neutral

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	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
	Neutral	Neutral	Neutral
	<b>Nuisance behaviours relating to noise</b> Noise nuisance in the city is caused by amplified or intrusive noise, including music and building work. The PSPO takes an even handed approach towards music noise, supporting the Code of Conduct that all buskers are expected to adhere to.  If there is a language barrier, the person has a disability or cannot read officers will engage with the busker and explain the Code. If the Code is not adhered to officers will move the person onto the next available pitch or require them to turn down their music. No-one under the age of 16 should busk in the city centre without a parent or guardian. Children busking will be engaged with and the appropriate adult spoken to.  Building works fall outside of the PSPO and are dealt with through the city council's Environmental Health Service.		
	<b>Race</b>	<b>Disability</b>	<b>Age</b>
	Neutral	Negative Lack of understanding of Code of Conduct.	Positive For under-16s officers will speak to the parent or guardian
	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
	Neutral	Neutral	Neutral

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

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	<b>Illegal street trading</b> During peak holiday seasons the city centre experiences many traders pertaining to be pedlars, yet are illegally street trading.  The PSPO takes an even handed approach towards peddling, supporting the Code of Conduct that all pedlars are expected to adhere to. If there is a language barrier, the person has a disability or cannot read officers will engage with the busker and explain the Code. If the Code is not adhered to officers will warn them that they are in breach of the PSPO. Children under-18 will be engaged with and the appropriate adult spoken to.		
	<b>Race</b>	<b>Disability</b>	<b>Age</b>
	Neutral	Neutral	Positive For under-18s officers will speak to the parent or guardian
	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
	Neutral	Neutral	Neutral
<b>Drinking alcohol in a public place</b> It is currently an offence to drink alcohol in a public place in Oxford if asked by a police officer not to do so. Incidents of street drinking take place during the evening economy period from revellers leaving pubs and clubs, or people drinking alcohol in public areas during the day.  If necessary there is easy access to a wide range of support services including GPs, rehabilitation and hostels with “wet” facilities. Safeguarding issues are dealt with through agencies established safeguarding practices and referrals into appropriate support agencies.  Anyone under-18 found drinking alcohol in committing an offence and the police will take appropriate			

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

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	action in line with their safeguarding responsibilities.		
	<b>Race</b> Neutral	<b>Disability</b> Negative Mental health considerations will be taken into account by officers.	<b>Age</b> Positive Young people will be referred into safeguarding mechanisms.
	<b>Gender reassignment</b> Neutral	<b>Religion or Belief</b> Neutral	<b>Sexual Orientation</b> Neutral
	<b>Sex</b> Neutral	<b>Pregnancy and Maternity</b> Positive Pregnant women will be referred into safeguarding mechanisms.	<b>Marriage &amp; Civil Partnership</b> Neutral
	<p><b>Control of dogs</b></p> <p>The provisions of the PSPO relating to the control of dogs does not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.</p> <p>The most common complaint relating to dogs is fouling of the footpath and the associated public health risks. This is particularly difficult to control if the owner does not have the dog on a lead.</p> <p>Any mental health considerations will be dealt with on a case by case basis.</p>		
	<b>Race</b>	<b>Disability</b>	<b>Age</b>



## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

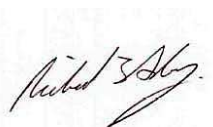
	Neutral	Negative Mental health considerations will be taken into account by officers.	Neutral
	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
	Neutral	Neutral	Neutral
<p><b>6. Consideration of Measures:</b></p> <p>This section should explain in detail all the consideration of alternative approaches/mitigation of adverse impact of the policy</p>	<p>Mitigations relating to each of the proposed behaviours are detailed in the preceding section. Concerns relating to children are dealt with through each agency safeguarding policies and procedures. Prohibitions on behaviours that affect clients with complex physical and mental needs are mitigated through access to appropriate services, with trained staff skilled at dealing with the needs of the client group.</p> <p>All cases will be dealt with on their individual merits and the PSPO has written into it the test of “reasonable excuse”, providing an exemption from the order if the excuse for the behaviour is reasonable.</p> <p>Oxford City Council has a strong record of supporting people who are vulnerable and at risk of becoming homeless. Through the No Second Night Out project, the council funds services that assist individuals into appropriate accommodation and that work with homeless individuals to access education, training and employment. The Council’s current financial investment in homeless prevention totals £1.4m p.a.</p> <p>Oxford is one of nine areas in the country that was selected to take part in the Making Every Adult Matter (MEAM) project designed to improve outcomes and interventions for people with multiple needs. Since August 2014 clients who are hard to engage, live chaotic lives and have a multitude of support needs have been identified by services within the homelessness, mental health, substance misuse and criminal justice services. Clients are ‘case conferenced’ in order to put sustainable</p>		

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

	<p>support in place for each individual and enable him/her to receive the services and support that they need to stabilise their lives.</p> <p>The Tenants At Risk meeting is managed by the City Council and brings together agencies including floating support services, housing associations and hostels. The meeting identifies individuals that may be struggling with sustaining their tenancies and are at risk of being evicted. The aim is for support agencies around the table to make sure relevant support is put in place for the individuals in order to ensure they do not lose their tenancies and become homeless.</p>
<p><b>6a. Monitoring Arrangements:</b></p> <p>Outline systems which will be put in place to monitor for adverse impact in the future and this should include all relevant timetables. In addition it could include a summary and assessment of your monitoring, making clear whether you found any evidence of discrimination.</p>	<p>The multi-agency case management panel will continue to assess the use of all enforcement actions, first taking into consideration the support needs of the individual.</p> <p>Advice, warnings and enforcement of the PSPO will be logged in pocket notebooks and council and police databases.</p> <p>The City Centre PSPO will be referred to the scrutiny panel for monitoring purposes.</p>
<p><b>7. Date reported and signed off by City Executive Board:</b></p>	<p>October 2015</p>
<p><b>8. Conclusions:</b></p> <p>What are your conclusions drawn from the results in terms of the policy impact</p>	<p>The introduction of the city centre PSPO will impact on the lives of people who live, work and visit the city. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address. For example, pregnant women and disabled people can be denied access to facilities they need. Young people in breach of the order will be referred through safeguarding arrangements when appropriate. Mental health considerations are assessed on a case by case basis and support and early intervention is used prior to more serious enforcement action. This approach is detailed in Oxford City Council's Anti-Social Behaviour Policy, available on the council's website.</p>

## Appendix 7: Oxford City Centre Public Spaces Protection Order – Equalities Impact Assessment

9. Are there implications for the Service Plans?	YES	10. Date the Service Plans will be updated	November 2015	11. Date copy sent to Equalities Officer in HR & Facilities	5 <sup>th</sup> August 2015
13. Date reported to Scrutiny and Executive Board:	October 2015	14. Date reported to City Executive Board:	October 2015	12. The date the report on EqlA will be published	October 2015



Signed (completing officer)

Signed (Lead Officer)



**Please list the team members and service areas that were involved in this process:**

Jarlath Brine, Organisational Development & Learning Advisor  
 Richard Adams, Service Manager  
 Jeremy Thomas, Head of Legal Services

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**To:** City Executive Board  
**Date:** 15 October 2015  
**Report of:** Head of Community Services  
**Title of Report:** Proposed Lease and monitoring arrangements for community centres

## Summary and Recommendations

**Purpose of report:** To propose a framework for the determination of leases in respect of city council owned community centres occupied and operated by community associations.

**Key decision?** Yes

**Executive lead member:** Cllr Christine Simm, Culture and Communities

**Policy Framework:** Asset Management Plan, Stronger Communities

**Recommendation(s):** That the City Executive Board resolves to:

1. AGREE that for community centres that currently have a licence to occupy a notice to quit be served in respect of that licence along with a proposed replacement lease on the terms broadly set out in paragraph 8 of this report.

## **Appendices**

**Appendix 1** Lease Lengths and impact  
**Appendix 2** Confidential Appendix  
**Appendix 3** Risk Register

## **Current Position**

1. There are currently 20 community centres operating in Oxford. By December 2015 5 will be run in-house by the Council (including part of Barton Neighbourhood Centre), 2 will be independently owned and run at Northway and Cowley as they are rebuilt by Greensquare housing association as part of the housing development. In addition 1 is leased by Jericho Community Association from St Barnabus Church. The other 12 together with part of Barton Neighbourhood Centre have been run by independent charitable bodies for a significant number of years. Each of these 13 Community Associations has either a licence dating from the mid-1980s, or is holding over on an expired lease.
2. Members have indicated that they prefer to remain involved in the provision of community centres in the city in order to protect that provision in terms of quality and location rather than simply carrying out an asset

transfer to third parties. On that basis it is likely that the council's involvement will continue through either the council operating centres or providing effectively rent free, maintained premises for Community Associations. By and large the council is content to enable the Associations to have a free hand in how they operate the centre they occupy. However, these premises are provided at a significant public subsidy and it is right and proper that the council maintains a watching brief on the performance of the association and some form of sanction if that performance is unacceptable. It is how this oversight and sanction is reflected in lease arrangements that has been at the heart of the inability to reach a conclusion in the negotiation of lease terms.

3. The Council has been working with the associations and the Oxford Federation of Community Associations (OFCA) since December 2011 to update and clarify the situation in respect of the continued occupation of the community centres. It is in the interests of both parties to resolve this to agree leases that have sufficient term that enables community associations to bid for external funding and protect the interests of both the associations and the council. This report proposes a way forward that offers the potential to break the current impasse.

### **Proposals for new leases**

4. For some time the Council worked with the OFCA to identify a single form of lease that could apply to all associations. The Council put forward a proposal that met this objective but this was rejected by the Federation as it meant some Associations compromising on their existing rights. Recognising that a one size fits all approach would not be appropriate; this report proposes separating the associations into two broad categories.
5. The first group are those 5 that are currently holding over on a lease which has protected status within the meaning of the 1954 Landlord and Tenant Act. This means that the Associations are entitled to a new lease. The terms of which will be worked through with each Association in consultation with the Council Leader, the Executive Member and the local Ward Councillors.
6. The second and larger group of Associations are those who currently occupy their centre by way of a licence to occupy. Such licences give little security and are not protected tenancies. The current licence gives the ability to the council to terminate the agreement on 12 months notice and the licence has no fixed term. They are therefore unattractive to the Associations and are not now the Council's preferred means of granting occupation.
7. Officers advise that the council should take steps to avoid new protected tenancies being formed therefore a new un- protected lease is proposed for these Associations.
8. The nature of these leases would be:

- a. A lease excluded from the protection provided under the Landlord and Tenant Act 1954.
  - b. Include a rolling break, similar to that in the existing licence (with no pre-conditions attached).
  - c. Be for a term of 25 years.
  - d. Be rent free.
  - e. With standard forfeiture (termination) provisions on tenant default or insolvency.
9. Such a lease would provide an appropriate level of security and comfort to both the Council and Associations. It is recommended that the existing licence arrangements are formally ended and a new lease is offered at the same time.
10. Where there are concerns about the performance of an Association that may lead to its lease being terminated for default (forfeiture) the dispute resolution process mentioned above would be invoked. It is hoped process will be agreed with the working group looking at the Community Centre Strategy. That group includes Councillors, representatives of the federation and the Oxfordshire Council for Voluntary Organisations.

### **Financial Implications**

11. There are none arising directly from the implementation of this report. The agreement of long leases should improve the ability of Associations to attract charitable funding and where appropriate raise capital by other means.

### **Risk**

12. A risk register is included at Appendix 3.

### **Climate change / environmental impact**

13. There is no impact to this recommendation

### **Equalities impact**

14. There are no equalities implications to this recommendation

### **Legal implications**

15. The council will need to ensure notices are correctly served on the Associations currently occupying under licence and that the correct procedures are followed for these associations to ensure they do not obtain security of tenure under their new leases.

#### **Name and contact details of author:-**

Name Mark Spriggs

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**List of background papers:      none**



## Appendix 1

	Centre	Current arrangement	Impact
1	Asian Cultural Centre	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present
2	Barton (part)	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present.
2	Barton (part)	-	OCC managed
3	Bullington	Lease	New protected lease – 25yrs, market rent covered by grant, agreed performance measures. If not accepted continue to hold over on existing terms.
4	Blackbird Leys	-	OCC managed
5	Cowley		To be managed by Greensquare
6	Cotteslowe	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present.
7	Donnington	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present
8	EOCC	-	OCC managed from 2 <sup>nd</sup> September
9	Florence Park	Lease	New protected lease – 25yrs, market rent covered by grant, agreed performance measures. If not accepted continue to hold over on existing terms.
10	Headington	Lease	New protected lease – 25yrs, market rent covered by grant, agreed performance measures. If not accepted continue to hold over on existing terms.
11	Jericho	-	Non-OCC
12	Jubilee	-	OCC managed
13	Littlemore	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present
14	Northway	-	To be managed by Greensquare
15	North Oxford	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present
16	Risinghurst	Lease	New protected lease – 25yrs, market rent covered by grant, agreed performance measures. If not accepted continue to hold over on existing terms.
17	Rose Hill	-	OCC managed from December 2015
18	Regal	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present
19	South Oxford	Licence	Terminate licence. New un protected lease -25yrs term subject to rolling break as at present
20	West Oxford	Lease	New protected lease – 25yrs, market rent covered by grant, agreed performance measures. If not accepted continue to hold over on existing terms.

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### Appendix 3: Risk Register

Item	Description of Risk/ Opportunity	Assessment			Degree of Risk	Consequence (Cost, Time, Fitness for Purpose)	Strategy to Control Risk
		LO	CR	RRN			
1	Failure of all/ some Associations to sign leases	3	2	6	High	T	The report proposes a clear approach for dealing with this.
2	Reputational risk to OCC	3	1	3	Significant	C,T	Clear strategy and communication.

Key Likelihood of occurrence			Consequence of Risk		
4	Frequent	Likely to occur frequently, many times during the period of concern (e.g. project duration, life of building)	4	Catastrophic	Major failure in meeting prime project objectives
3	Probable	Several times in the period of concern	3	Critical	Significant failure in meeting prime project objectives
2	Possible	Some time in the period of concern	2	Serious	Failure to meet major project objectives
1	Remote	Unlikely but possible in the period of concern	1	Marginal	Failure to meet lesser project objectives
0	Improbable	So unlikely that it can be assumed that it will not occur or it cannot occur	0	Negligible	Minor effect on meeting project objectives

RISK	Negligible	Very low	Low	Significant	High	Very High	Extreme	Prohibitive
RRN	0	1	2	3-4	6	8	9	12+

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**To:** City Executive Board

**Date:** 15 October 2015

**Report of:** Executive Director of Organisational Development & Corporate Services

**Title of Report:** Financial Inclusion Strategy – Action Plan Update

## **Summary and Recommendations**

**Purpose of report:** To update members on progress with delivery of the Financial Inclusion Strategy Action Plan and seek agreement to an update of the Action Plan.

**Key decision** Yes

**Executive lead member:** Councillor Susan Brown, Customer and Corporate Services

**Policy Framework:**

**Recommendation(s):** That the City Executive Board resolves to:

1. **Approve** the updated Financial Inclusion Strategy Action Plan as set out at Appendix 2; and
2. **Delegate authority** to the Executive Director, Organisational Development and Corporate Services, in consultation with the Executive Member for Customer and Corporate Services, to further update the Action Plan as necessary.

## **Appendices**

- Appendix 1 Review of original Action Plan
- Appendix 2 Revised Action Plan
- Appendix 3 Risk Register

## **Background**

1. The Financial Inclusion Strategy(FIS) was adopted by the City Executive Board(CEB) on 3 July 2014 for a period of three years. The Strategy incorporated an Action Plan, much of which has been achieved. The

Action Plan now requires refreshing to ensure that work continues to deliver the objectives under the four themes of Debt, Income, Housing and Skills.

2. The nature of Financial Inclusion(FI) work is that it is on-going and long term in nature. Although many actions have been completed, these lead on to further work. This means that many of the objectives within the original Action Plan are reflected in the second iteration of the Plan. The revised Action Plan builds on work in the original plan, and incorporates new learning, in particular the recommendations from research conducted by the Centre for Economic and Social Inclusion (CESI) in 2014.
3. Appendix 1 provides an update on all the actions within the original action plan and explains if and how these actions are being carried forward into the revised Plan.
4. Of the 37 actions in the original Plan, 24 have been completed, 11 are in progress and have been carried forward into the revised Action Plan, and one has not been delivered, and has been amended in the revised Action Plan. This last action related to the training of customer contact staff to recognise signs of financial exclusion and to make appropriate referrals for support. Time pressures in the contact centre mean that this is not practical. As such, the action has been revised to train other frontline staff likely to come into contact with people who are financially excluded.
5. The revised Action Plan is set out in Appendix 2. It contains a fifth theme of Customer Insight which sits above the four themes within the FIS. Its inclusion reflects the intent to get a better understanding of how financial exclusion affects people, in order to better target support.

#### **Climate change / environmental impact**

6. There are no negative climate change or environmental impact issues related to this report. A number of the activities proposed in the FI Action Plan will lead to reduced carbon footprints for affected properties. Alleviating fuel poverty locally by improving the energy efficiency of homes reduces energy bills for occupants, improves health and contributes to the Council's carbon reduction target for the whole city (40% by 2020). The Council has a duty under the Home Energy Conservation Act to report on plans to help householders lower their fuel bills.

#### **Risk**

7. A risk assessment can be found at Appendix 3.

#### **Equalities impact**

8. An initial equalities impact assessment was conducted when the FIS was introduced. As the thematic areas have not changed, this assessment is still valid. Although a new theme of Customer Insight has

been added. This relates to the internal management of data, rather than having a direct impact on customers.

### **Financial implications**

9. This report does not propose any new expenditure. Instead it seeks to align a number of different initiatives to produce greater outcomes. Following the July budget, all capital investment is now subject to review, which may impact on the delivery of some items in the Action Plan.

### **Legal implications**

10. There are no legal implications.

### **Name and contact details of author:-**

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## Appendix 1 – Review of Initial Action Plan

THEME	TASK	TARGET/OUTCOME	STATUS OF ACTION
DEBT – Short Term	Agree revised outcomes with Advice Sector and draft revised Service Level Agreements(SLA's) for 14/15	Agree a set of outcomes which reflect the customers' needs and respond to challenges of Welfare Reform and increasing living costs.	Completed – Agreements are in place and being monitored.
	Map provision of emergency support available in the City to those in crisis (e.g. Foodbanks, grants, loans)	Ensure Council staff can refer people in crisis to appropriate emergency support. Understand the implications of any gaps and demand for services.	Completed – This document is a resource for Council staff and partners to refer client groups to the most appropriate outlet.
DEBT – Long Term	Monitor performance against SLA's, and use data to inform commissioning process for 15/16 to 17/18	Complete data sets in relation to outcomes agreed in SLA's (above)	Completed – Monitoring is underway, with the first quarter's data for the priority area of debt having been received.
	Map advice provision in City, with reference to services required under Localised Support Services Framework(LSSF)	Understand gaps in service provision which need to be addressed to deliver LSSF	Completed – DWP have departed from the LSSF in the rollout of Universal Credit. However pathways have been developed for anyone requiring support, though numbers are very low.
	Ensure Corporate Debt Recovery policy is embedded in debt collection processes	To ensure all Council debts are considered when making payment arrangements, introduction of single Income & Expenditure form for Council debts, and to ensure customers are referred for debt advice and budgeting support where appropriate. Work towards providing a single view of customer debts.	On Going– This action has been carried forward to the revised Action Plan.
	Work with Credit Unions to promote their services, and to inform the public about the dangers of unaffordable credit	Increase the number of Oxford residents who are saving with the Credit Unions.	Ongoing - An independent review of provision has been completed. The Council is currently considering its response to the recommendations. This action has been carried forward to the revised Action Plan.
	Ensure provision is made for providing basic bank accounts when retendering the Council's bank	Ensure the Council's provider of banking services has a commitment to providing basic bank accounts for those that require	Completed – Barclays is the new provider, and partnership work is being undertaken to enable Council officers to make referrals for customers.

INCOME		contract	them	
		Investigate the establishment of a citywide Financial Inclusion Partnership	Work with partners in the most effective way to ensure Financial Inclusion issues are affectively tackled.	Ongoing - This action has been carried forward to the new version of the Action Plan.
	INCOME – Short Term	Review recommendations contained in CESI research on the local impact of Welfare Reform.	Determine new actions and amend actions within this plan to meet the challenges identified in the research.	Completed – Recommendations from this research have been included in the revised Action Plan
		Promote DHP's to Private Rented Sector(PRS) Tenants	Ensure there is a higher take up of support from the private sector compared to 2013/14, by targeting recipients likely to require support.	Complete – Expenditure on PRS customers doubled as a result of this work.
	INCOME –Long Term	Train frontline staff to recognise indicators of financial exclusion	Customers correctly referred for internal or external support. Data gathered on extent of financial exclusion	Action Amended – It was envisaged that Contact Centre staff would deliver this action, however time pressures in the Contact Centre mean this isn't possible .Instead this action has been amended in the revised Action Plan and will be addressed by other frontline teams likely to come into contact with target groups.
		Roll out direct payment of Housing Benefit to all eligible working age tenants	Prepare tenants and the Council for introduction of Universal Credit, and identify tenants likely to be excluded from the direct payment element of Universal Credit	On Going– Most working age tenants have participated in the pilot, and new tenants are assessed for their ability to manage direct payment of their housing benefit.
		Deliver financial capability training to young people	Young people better informed to make decisions which impact on their financial wellbeing	On Going– Work is required to identify the young people who would benefit most from this action.
		Gain accreditation with Living Wage Foundation	Acting as a role model for businesses and other organisations in the City. Encourage that the Council's suppliers and contractors also gain accreditation.	Completed – As well as paying the Living Wage, the Council promotes payment of living wage through its supply chain.
		Identify local providers of affordable childcare	Range of providers identified to be used in assisting people moving into work	Completed – Used as a resource to help customers identify childcare provision.

	When reviewing related policies, ensure the aims of the Financial Inclusion Strategy are supported	Ensure the Council adopts a consistent approach to matters related to Financial Inclusion	On Going– Revenues & Benefits Programme Manager reviews new and updated policies in light of the FI Strategy
HOUSING – Short Term	Support tenants to downsize where Welfare Reforms mean their rent is unaffordable	Host further Mutual Exchange Speed Dating events. Facilitate more moves by providing financial support to people downsizing.	Completed – Two years of funding provided to Landlord Services to facilitate moves. The number of households affected by the Bedroom Tax has reduced from 956 in April 2013 to 609 in July 2015.
	Monitor & Review Discretionary Housing Payment policy	Ensure conditionality effectively supports tenants.	Completed – Regularly reviewed by Scrutiny and new policy adopted for 2015/16
	Programme of council housing energy efficiency and renewable energy works to be incorporated into Asset Management Strategy based on stock condition data	Target and prioritisation of stock according to energy efficiency and vulnerable residents. Rolling programme set, adapted according to available funding	In Progress - First phase of loft and cavity wall insulation currently being installed. Domestic solar PV has been rolled out. Action carried forward into updated Action Plan.
	Introduce a Tenant Ready Scheme	Ensure tenants are equipped with the skills to manage their tenancy, especially payment of rent.	Completed – This is provided by Crisis and Connections.
	Pilot project utilising thermal imaging to inform Housing Health & Safety Rating System	Poorly performing properties identified, and landlords informed how to make required changes.	Completed - Initial trial of around 20 properties completed. Officers have been skilled up to carry this work out in future.
	Roll out of Winter Warmth outreach project to help vulnerable old people access guidance and funding for affordable warmth	Future years dependent on resources available	Completed - 250 people reached and 426 engaged with Affordable Warmth network.
	Affordable Warmth grants - currently £25k/y to lever in additional funding.	Continue to use to lever in external funding to alleviate fuel poverty for Oxford households where possible.	Completed - Council is coordinating work to share data and access funding for local community groups. Affordable warmth training for groups and advice centres has also been offered.
HOUSING – Long	Programme of insulation, heating and ventilation improvements carried out within the Tower Blocks	Better insulated, ventilated properties that result in lower energy bills for residents	On Going – Carried out as part of the Great Estates programme.

	refurbishment programme		
	Pilot to change Houses in Multiple Occupation (HMO) licensing conditions to necessitate carrying out of recommended measures in Energy Performance Certificates rated F and G	Changes to HMO licensing researched, consulted on as necessary and implemented. Achieved by working with landlords supporting identification of good practice, and providing support where required.	Complete – Now part of new licence conditions.
	Work with Affordable Warmth Network and Health Improvement Board to find a meaningful way to monitor the health impacts of fuel poverty across Oxford (and Oxfordshire)	A standard fuel poverty indicator with health indicators that enable monitoring of impacts of work around fuel poverty	Complete – Public Health Improvement Board have a new outcome measure looking at the number of interventions the Affordable Warmth Network have made, which have had a positive impact on fuel poverty.
	Determine programme of insulation in housing stock, maximising available funding	Clarification of properties to be insulated in priority order, to be carried out as per available funding	Ongoing - This is a significant programme of work and has been carried forward into the new version of the Action Plan.
	Investigate ways of minimising expenditure on energy for Council tenants	Reduce fuel bills for Council tenants.	Ongoing - Focus in 2014/15 was on tenants with pre-payment meters. Focus in 2015/16 will be delivering a programme of energy audits to tenants.
	Continue to investigate new ways to maximise available funding for insulation and other measures across Oxford as available funding changes	Maximise funding for energy efficiency measures	Completed, although this is annual activity – Pursued via Green Deal and Energy Company Obligation (ECO) funding.
	Use the Building Research Establishment Stock modelling and other data to find private rental areas most at risk of fuel poverty	Target residents in private rented sector in areas found to be most at risk of fuel poverty	Completed – Outreach work undertaken
	Identify households covered by the new low income, high cost” definition of fuel poverty and give further consideration to low income, smaller homes that may not meet this classification but still be fuel poor	Ensure customers in fuel poverty are provided with the support to which they are entitled	Completed – Fuel Poverty model developed to identify areas of Oxford at greatest risk. This is already being used to target funding available for people in fuel poverty.

	Energy strategy and training to be implemented for all housing staff with communications plan for external promotions	Ensure consideration of fuel poverty is embedded in all Housing services.	Completed – Staff are upskilled and able to consider issues of fuel poverty when dealing with other matters.
SKILLS – Short Term	Support customers to access digital services	As part of Channel shift strategy, ensure support is provided to assist customers in accessing and utilising digital services	On-going - Welfare Reform Team capturing data on digital access. Support also provided as part of Universal Credit rollout.
SKILLS – Long Term	Development of LA led pilot, and planning for LSSF	Extend scope of work to Private Rented Sector.	Completed – Project financed by European Social Fund delivered, and referral routes developed to support people migrating to Universal Credit.
	Develop the partnership network that was established in the LA led pilot, to include providers that can deliver bespoke training to provide clients with the skills needed for known vacancies	Maximise the opportunity for people with limited skills to move into employment.	Completed – Extensive partnership developed. This is being used to develop a proposal for European Structural Investment Funding channelled through the Local Enterprise Partnership to support the long term unemployed into work.
	Align work of Welfare reform team to that of the Job Clubs	Provide locally based, joined up support to people who need help accessing work.	On going – Successful relationship formed, and the Welfare Reform Team are now developing a bid with Aspire to continue and expand Job Club provision in the City.
	If bids to the European Social Fund are successful, ensure the funding is used to develop the work carried out by the LA led pilot	Ensure any additional resources are used consistently, and in support of this strategy	Completed – See linked item at the top of this section.

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## Appendix 2 – Revised Action Plan

THEME	TASK	TIMESCALE	TARGET/OUTCOME	RESP.	DELIVERY PARTNERS
CUSTOMER INSIGHT	1. Develop a Dashboard to help monitor the impact of Welfare Reform and measure indicators of Financial Exclusion	Aug 15	By monitoring different sets of data together with customer feedback , we can better prioritise resources and target interventions	Revenues& Benefits Programme Manager	Jobcentre Plus, Housing, Advice Sector
	2. Building on the triage tool used by the Welfare Reform Team	On-going	Continual improvement to triage process to ensure effective support is delivered to people affected by welfare reforms	Welfare Reform Manager	Internal
DEBT – Short Term	3. Monitor and evaluate commissioned advice contracts.	On-going	Ensure advice specification is being delivered.Learn from trends in advice work Use data to inform priority work area for 2016/17	R&B Programme Manager	Advice Sector, County Council
	4. Rents Team to trial Pay Plan for providing debt advice	Oct 15	Establish whether Pay Plan is an effective provider of debt advice for our customers	Rents Manager	Pay Plan
DEBT – Long Term	5. Use delivery of Universal Support to build a model for personal budgeting support, and consider options for delivery when Universal Credit (UC) rollout increases.	By Mar 15	Customers migrating to UC are able to manage the monthly payment without getting into rent arrears.	R&B Programme Manager	UC Project Team
	6. Develop an integrated approach to recovery of different Council debts	By Dec 15	To ensure all Council debts are considered when making payment arrangements and to ensure customers are referred for debt advice and budgeting support where appropriate. Work towards providing a single view of customer debts.	R&B Service Manager	N/A
	7. Consider the Council's strategic approach to credit unions in light of the recommendations in the independent report	Review completed by Jun 15	Agree approach	R&B Programme Manager	Oxfordshire Credit Union, Blackbird Leys Credit Union
	<b>TASK</b>	<b>TIMESCALE</b>	<b>TARGET/OUTCOME</b>	<b>RESPONSIBILITY</b>	<b>DELIVERY PARTNERS</b>

INCOME – Short Term	8. Support customers without bank accounts to access basic banking services	By Oct 15	Reduce number of unbanked residents Increase % of payments made in respect of Council services by DD and BACS transfer.	R&B Programme Manager	Head of Finance, Barclays
	9. Establishment a citywide Financial Inclusion(FI) Partnership	By Jul 15	Work with partners in the most effective way to ensure Financial Inclusion issues are effectively tackled. Agree citywide objectives and measures for FI	R&B Programme Manager	Various
	11. Investigate why sanctions in Oxford are significantly above the national average, and agree an action plan to reduce them.	Dec15	Reduce the number of sanctions issued in Oxford.	R & B Programme Manager	JCP
	12. Develop training package so relevant staff can identify people at risk of financial exclusion, and deal with them in a consistent manner.	By Jan 16	Customers correctly referred for internal or external support. Data gathered on extent of financial exclusion	R&B Programme Manager	NA
	13. Extend Direct Payments to all existing, and any new tenants.	Plan in place by May 15	Prepare tenants and the Council for introduction of UC, and identify tenants likely to be excluded from the direct payment element of UC. Identify support needs and refer appropriately.	Rents Manager	Advice Sector Local banks Community Housing
	14. Deliver a program of energy education, with a focus on more vulnerable residents, and making use of tenant champions.	Program to be agreed by June 15	Residents are informed about energy saving and receive budgeting support where required including help to find the best energy tariffs.	Head of Housing & Property	Tenants
	15. All Council tenants to receive a home energy visit	June 15 to April 17	Buildings to be assessed for energy efficiency improvements and tenants to be offered advice on energy saving and referred for advice on debt and/or their energy bills.	Head of Housing & Property	Advice Sector
	<b>TASK</b>	<b>TIMESCALE</b>	<b>TARGET/OUTCOME</b>	<b>RESPONSIBILITY</b>	<b>DELIVERY PARTNERS</b>
	16. Sign up to The Rental Exchange following consultation with tenants.	Oct 15	Council Tenants are able to establish a credit record on the basis of timely payment of their rent.	Rents Manager	Experian, Tenancy Involvement



HOUSING – Short Term	17. Energy Strategy and Action Plan to be agreed at CEB, aligned with Members Briefing	July 15	Relevant actions to be incorporated in FIS Action Plan when agreed.	Head of Planning & Enforcement	Internal only
	18. Pilot use of conditionality in awarding top--up payments to Home Choice customers.	Sep 15 to Aug 16	Test whether this approach enables Home Choice customers to live independently without the need for further Council support.	Revenues & Benefits Programme Manager Head of Housing & Property	Various to provide debt advice and employment support
	19. Work with community groups to carry out building checks and other support, on properties using the Oxford Fuel Poverty Indicator to prioritise	From Jul 15 to Mar 16	Develop a robust data set of the energy efficiency of buildings across the city and use this data to focus funding for improvements and financial support.	Executive Director for Community Services	Low Carbon community groups
HOUSING – Long Term	20. Excess Cold enforcement to be carried out against landlords of properties with EPC ratings of F or G	From Jul 15 to Mar 16	Improve energy efficiency of private rented stock	Head of Planning & Enforcement	Private Rented landlords
	21. Help people affected by the Bedroom Tax in Council stock downsize	On-going to Jun 16	Reduce the number of people who have their Housing Support reduced by the Bedroom Tax	Landlord Services Manager	n/a
	<b>TASK</b>	<b>TIMESCALE</b>	<b>TARGET/OUTCOME</b>	<b>RESPONSIBILITY</b>	<b>DELIVERY PARTNERS</b>
	22. Carry out programme of improvements to Council stock, including cavity wall insulations, external wall insulations and program of loft insulation and boiler replacement	Mar 16 for first phase	Achieve minimum SAP (Standard Assessment Procedure) of 69 (equivalent of EPC level C) and an average of 72 across Council stock, improving energy efficiency and reducing bills and/or under heating	Head of Housing & Property	n/a

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		23. Explore a common approach across agencies to identify priority groups, underpinned by data sharing & Develop the "Oxford offer"	Feb 15 to Mar 16	Ensure a more consistent approach is taken in dealing with people affected by welfare reform across different organisations.	Welfare Reform Manager Various
	SKILLS – Short Term	24. Support customers to access digital services, particularly those migrating to Universal Credit	By Sep 15	Customers are supported to access online services.	R&B Programme Manager Library Services
		25. Explore the scope to work with adult education providers City College to provide short, focused training as part of the offer to residents	June 14 to June 15	Ensure people affected by welfare reforms have the necessary skills to allow them to find work locally	Welfare Reform manager City of Oxford College, EMBS, WEA
		26. Work through communities and local services to engage those further from support	On-going	Explore whether community champions and peer support can be used effectively to support people affected by Welfare Reforms	Welfare Reform manager Communities& Neighbourhoods Team
		27. Use the Delivery Partnership Agreement to explore options for supporting recipients of UC.	Jan 15 to Mar 16	Use the Delivery Partnership Agreement to test how different needs can be delivered by working together with local providers	R&B Programme Manager Various, including the Social Housing Sector
		28. Build on 'Benefits in Practice' to reach those with health conditions and disabled people	Jan 15 to Jun 15	Improve access to the Welfare Reform team for harder to reach customers	Welfare Reform Manager Health Improvement Board
	SKILLS – Long Term	<b>TASK</b>	<b>TIMESCALE</b>	<b>TARGET/OUTCOME</b>	<b>RESPONSIBILITY</b> <b>DELIVERY PARTNERS</b>
		29. Ensure effective bids are made for Labour Market funding which has been devolved to the LEP. Consider opportunities for active Council involvement in these bids.	Sep 15 to Dec 15	Effective medium to long term programmes are established to support those furthest from the labour market into work, and to support key groups into work (over 50's, single parents, young people)	R&B Programme Manager Various including JCP, Thriving Families, Aspire
		30. Evaluate European Social Fund project.	Jul 15 to Sep 15	Learning from the project and the partnership legacy are incorporated into business as usual processes.	Welfare Reform Manager N/A

	31. Support NEET prevention work through the Business in the Community programme	Sep 15 to Jul 16	Increase awareness of apprenticeships and vocational career pathways in schools. Coaching and mentoring to support pupils as they transition through school.	Head of Community Services, Youth Ambition, Positive Futures	Local Schools BITC
	32. Provide study space and access to the internet in community owned spaces.	Sep 15 to Feb 16	Limit the impact of overcrowding and/or digital exclusion on educational achievement.	Housing Service Development Officer	Various

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Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Strategy not carried out	The Financial Inclusion Strategy is not implemented due to lack of governance arrangements.		No ownership of the Strategy as a whole	Lack of impetus to encourage delivery of strategy	20/5/14	Paul Wilding	4	3	4	1	4	1		Strategy to be overseen by Customer First Program Board	Ongoing		100	Paul Wilding
Strategy undermined by further cuts to welfare benefits	The Financial Inclusion Action Plan's effect is reduced due to the erosion of people's incomes.		The budget of July 2015 introduced a range of measures which will reduce the incomes of people on benefits and in low paid work.	Financial exclusion increases instead of reducing.	17/7/15	Paul Wilding	4	3	4	3	3	3		In the revised Action Plan there are actions to ensure those at greater risk of Financial Exclusion are targetted and supported as a priority.	Ongoing		50	Paul Wilding
Services not committed to delivering actions	The Financial Inclusion Action Plan is not fully delivered, due to lack of support from the services responsible for each action		Services not engaged in the development of the Strategy	Services do not have the resources to carry out the actions they are responsible for	17/7/15	Paul Wilding	4	3	4	1	4	1		During the development of the Strategy and revision of the Action Plan, all relevant departments were involved in determining the actions to be carried out.	Ongoing		50	Paul Wilding

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**To:** City Executive Board

**Date:** 15 October 2015

**Report of:** Planning and Regulatory Service Manager

**Title of Report:** Changes to charging for Planning and Listed Building pre-application advice

## **Summary and Recommendations**

**Purpose of report:** To increase the level of fees for pre-application planning advice, and to introduce charges for pre-application advice for listed buildings and householder developments.

**Corporate Priorities and Policy Framework:** Delivery of Local Development Framework (LDF), vibrant and sustainable communities, efficient and effective council

**Report Approved by:** Councillor Alex Hollingsworth, Executive Board Member for Planning, Transport and Regulatory Services

**Finance:** David Watt

**Legal:** Michael Morgan

**Recommendation(s):** That the City Executive Board resolves to:

1. **Approve** the proposed increase in the level of fees for pre-application planning advice, and the proposed introduction of charges for pre-application advice in respect of listed buildings and householder developments, effective from 1 November 2015.

## **Appendices**

- |            |   |
|------------|---|
| Appendix 1 | Current and proposed schedule of fees for planning pre-application advice; size thresholds for fee categories; types of pre-applications not currently subject to a fee (free advice) |
| Appendix 2 | Risk register   |

## **Background**

1. The Council encourages pre-application discussions with prospective developers, applicants and their agents before planning applications are submitted in order to identify and, where possible, resolve any potential issues, and improve the quality of the submitted applications.
2. Charging for pre-application planning advice helps to manage development and drive forward the spatial and economic regeneration of the city advancing the objectives of the Local Development Framework consistently with the priority of delivering a vibrant and sustainable community in a manner that accords with the priority of being an efficient and effective council.
3. This accords with the National Planning Policy Framework which emphasises that pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and to improve the quality of planning applications and their likelihood of success.
4. Since 5 May 2009 the Planning and Regulatory Service has charged for this service on various types of development.
5. The general feedback from customers is that this service provides good value for money; has helped to improve the quality of applications that come into the Council; and increased the likelihood of successful applications.
6. Flat rate fees are charged for each meeting with officers and for each piece of written advice required, depending on the scale of the proposal. Additional fees for specialist advice are charged on an hourly rate basis.
7. The initial level of fees for pre-application planning advice was set in May 2009. The hourly rate for specialists has remained unchanged at £50/hour since it was introduced. The flat rate fees for the different categories of development and service provided was last increased in April 2011 to the level set out in the table of fees in Appendix 1.
8. In addition the Council, although it encourages and provides pre-application advice, does not charge for providing such advice in relation to certain types of development / works as also set out in Appendix 1. These include works relating to listed buildings and also householder developments, such as, extensions and alterations to houses.

## **Proposal**

- (i) To increase the level of fees for pre-application planning advice**



9. It is considered timely to increase the level of planning pre-application advice and specialist advice both flat rate fees and also hourly rates in order that they better contribute towards the actual costs of the officer time involved(Appendix 1).
10. Charging schedules vary considerably between local authorities, but the proposed fees compare well to those charged by other (including neighbouring) authorities and represent good value for money. For example,
  - (1) for pre-application planning advice (written response) for small scale residential development (ie.6 units), Oxford City Council currently charges £144 (proposed increase to £180); South Oxfordshire £240; Cambridge £240and Cherwell has a charge of £588 (but including a site visit).
  - (2) for pre-application planning advice (written advice and meeting) for large scale residential development (i.e. over 25 units), Oxford City Council currently charges £864 (proposed increase to £1080); Cherwell between £1170-£3000; South Oxfordshire subject to negotiation but a minimum of £792; Cambridge £720.
11. Individual Planning Performance Agreements for large, complex development proposals and planned timescales will remain on a scheme by scheme basis with bespoke fees to reflect the nature of the development proposal. These Planning Performance Agreements can cover pre application advice, the planning application process and post planning determination of reserved matters and discharge of conditions.
12. Based on the pre-application workload for 2014-15 the increased fees will raise a total planning pre-application income of £95,000 out of the overall cost of the planning pre-application advice service of £245,000 – an increase of £15,000.

**(ii) To introduce charges for pre-application advice for Listed Buildings**

13. Negotiations with property owners, developers and architects, particularly in Oxford with its higher than national average numbers of Grade I and II\* buildings combined with intense levels of public scrutiny, can often be time consuming and prolonged.Unlike planning applications, there is no fee payable for making a Listed Building Consent application. Currently, therefore, the Council is entirely subsidising this service.
14. Many local authorities now offer a chargeable pre-application advice service to anyone wanting help with listed building consent before the submission of an application. Cambridge City Council, for example, introduced such a charge in October 2014 and has not had adverse reactions.

15. To bring this service in line with many other local authorities and to reflect the costs incurred in providing pre-application listed building advice it is proposed to introduce charges for pre-application advice regarding Listed Buildings. The proposed level of fees for specialist listed building advice will be at the same level as that for small scale development and householders (as set out in Appendix 1) and will be additional to that charged for any planning or other specialist advice.
  16. By way of comparison, for listed building advice Oxford City Council is proposing a charge of £540 for a meeting and written response for non-householder and £135 for householders; High Wycombe charges £273; Cambridge £243; South Oxfordshire £120; Cherwell £120
  17. Based on the pre-application workload for 2014-15 the introduction of charging for pre-application advice for listed buildings will provide a new income stream of £10,000 - £20,000 per annum, (depending on uptake and the level of service requested) within the overall pre-application advice service, which costs £245,000.
- (iii) to introduce charges for planning pre-application advice for householder development (extensions and alterations).**
18. The Council has been encouraging householders to seek pre-application advice before they submit their planning applications to extend and/or alter their homes, in order to identify and resolve issues early on in the process and avoid expensive abortive work. The Council has been providing such advice to householders free of charge to date.
  19. Over recent years other councils, including neighbouring authorities, have established charges for householders for pre-application advice, with the aim to recover some of the costs of providing such a service. The charges are modest relative to the cost of the works involved.
  20. Comparing with other local authorities: Oxford City Council doesn't currently charge for householder pre-application advice, and is now proposing a fee of £135 for a meeting and written response; High Wycombe charges £480; Cherwell £120; Cambridge and South Oxfordshire don't currently charge.
  21. It is proposed to introduce fees for planning advice to householders as per the charges schedule in Appendix 1. This would recover a proportion of the cost of providing that service.
  22. Based on the pre-application workload for 2014-15 the introduction of charging for pre-application advice for householder developments will provide a new income stream of £5,000 - £10,000 per annum (depending on take up) within the overall pre-application advice service, which costs £245,000.

## **Benefits and risks**

23. The proposals offer benefits for customers and the Council:
- The earlier the officer involvement in a proposal, the better the investment of their time
  - Greater certainty for applicants for timely provision of service, enabling improved project management
  - Reduced expense and delays for applicants
  - Increased acceptability of submitted schemes
  - Ensures that development schemes aren't jeopardised by a skills shortage within the Council
  - Pre-application discussions can play an important role in improving the quality of proposals and the efficiency of the planning process, helping the Service meet performance targets
  - Recovering some of the costs of pre-application advice for works to listed buildings would help to reduce the Council's subsidy of a specialist conservation service
  - Brings the listed building service in line with pre-application advice for planning proposals.
24. A Risk Register is included in Appendix 2. The risks are considered manageable, and to be outweighed by the benefits the proposals offer.

## **Recommendation**

25. It is recommended that the proposed increases to existing fees and the introduction of new charges are approved as set out above, all with effect from 1 November 2015.

## **Legal issues**

26. There is a general power to change for discretionary services under section 93 of the Local Government Act 2003. The income recoverable under these changes is not to exceed the costs of provision of the discretionary service taking one financial year with another. The Council must have regard to the guidance issued by the Secretary of State. The guidance suggests that costs and income should be assessed over no longer than a three year period to ensure that no surplus is generated.
27. The Council owes a fiduciary duty to local taxpayers to ensure that its resources are not expended improperly and to protect their interest in the preservation of their funds.
28. All pre-application fees (planning and listed building) are set on the basis that overall the pre-application fee income would not exceed the overall pre-application service costs year on year.

29. Listed Building consent itself would remain a free application, as instructed by Government.

### **Financial Issues**

30. Administrative procedures are already in place to collect fees arising from charging for pre-application planning advice. Conservation Officers already provide pre-application advice for works to listed buildings, free of charge. The proposals will assist with improved cost recovery.
31. Development Control has a gross budget cost of £1.56m annually, of which £914,000 is budgeted income.
32. Planning pre-application work within this overall budget costs £245k at an hourly rate of £60. Current pre-application fees (£80,000) recover 35% of the overall cost of the pre-app service. The proposed additional planning (including householder) and listed building pre-application fees will be c. £40,000 per annum and will recover 49% of the overall cost of the pre-application service.
33. There are no significant additional costs associated with either increasing the level of fees for pre-application planning advice, or introducing charges for pre-application advice for listed buildings.
34. All charges related to planning and listed building pre-application advice attract VAT at 20%.

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### **Background papers:**

None

## Appendix 1

### Current and proposed schedule of fees for planning pre-application advice.

		Current		Proposed	
Size of proposal	Service	Fee	Fee incl. of VAT @ 20%	Fee	Fee incl. of VAT @ 20%
Large scale	Meeting	£480	£576	£600	£720
	Written response	£240	£288	£300	£360
	Meeting and written response			£900	£1080
Medium scale	Meeting	£360	£432	£450	£540
	Written response	£180	£216	£225	£270
	Meeting and written response			£675	£810
Small scale	Meeting	£240	£288	£300	£360
	Written response	£120	£144	£150	£180
	Meeting and written response			£450	£540
Householder developments	Meeting	N/A	N/A	£75	£90
	Written response	N/A	N/A	£37.50	£45.00
	Meeting and written response	N/A	N/A	£112.50	£135
Listed buildings – non householder	Meeting	N/A	N/A	£300	£360
	Written response	N/A	N/A	£150	£180
	Meeting and written response	N/A	N/A	£450	£540
Listed buildings - householders	Meeting	N/A	N/A	£75	£90
	Written response	N/A	N/A	£37.5	£45
	Meeting and written response	N/A	N/A	£112.50	£135

Additional fees are charged where, along with planning pre-application advice, advice is required from specialist officers (eg. heritage, design, policy, biodiversity, trees, archaeology, land contamination, noise, sustainability, viability etc), as well as where site meetings are required. These additional charges are currently charged at the rate of £50/hour.

It is proposed that this is increased to an hourly rate of £62.50 plus VAT per hour, i.e.: **Specialist's advice hourly rate £75 per hour inclusive of VAT.**

## **Size thresholds for fee categories**

For the purposes of calculating the appropriate fee, proposals fall into one of the following three categories, which correspond to the following size thresholds:-

**i) Large scale proposals:-** over 25 residential units, or over 2000m<sup>2</sup> of floorspace, or over 1ha of site area, or over 50 student rooms.

**ii) Medium scale proposals:** between 6 & 25 residential units, or 500m<sup>2</sup> & 2000m<sup>2</sup> of floorspace, or 0.2 & 1ha of site area, or 10 & 50 student rooms.

**iii) Small scale proposals:** less than 6 residential units, or less than 500m<sup>2</sup> of floorspace, or less than 0.2 ha of site area, or less than 10 student rooms; also proposals for operational works not creating new floorspace such as shopfronts, general commercial advertising not relating to its premises (such as poster panels) and telecommunications proposals that would require either a planning or a prior approval application.

Mixed development proposals are treated according to their cumulative size.

## **Types of pre-application proposals not currently subject to a fee (free advice)**

- householder extensions and alterations that need permission (either to houses or individual flats), but this does not apply to flat conversions
- advertisements that are specific to the actual premises they are displayed on
- a single annual telecoms roll-out plan meeting with all operators together
- works that only require either listed building and/or conservation area consent
- pre-application discussions resulting directly from enforcement investigations
- public art
- proposals that are exempt from paying fees at application stage, eg. Equalities Act related works
- third parties, at our discretion, depending on the amount of officer time required

In addition we provide a successful drop-in 'duty officer' service free of charge.

Appendix 2. Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Pre-app charges for listed buildings	Introduction of fees	Drop off in numbers of listed building pre-app enquiries	Introduction of pre-app charges for listed buildings	Risk of corresponding increase in inadequate submissions and more refusals.	11/08/15	Ian Marshall	2	2	N/A	N/A	2	2	Level of charges has been set at a reasonable level so as not to discourage discussions	Monitor level of enquiries to detect any drop-off. Consider any amendment to level of fees.				Ian Marshall
Pre-app charges for listed buildings	Introduction of fees	Developers, property owners may be more likely to just go ahead and do work without getting consent.	Introduction of pre-app charges for listed buildings	Properties placed at risk, and officer time and financial resources tied up dealing with enforcement cases	11/08/15	Ian Marshall	3	1	N/A	N/A	3	1	Risk is considered low as this would be unlawful and liable to prosecution.	Monitor number of incidents of unlawful works, and consider impact of fee introduction				Ian Marshall
Pre-app charges for listed buildings	Introduction of fees	Inability of the Council to meet performance standards and customer expectations and provide a high quality service	Introduction of pre-app charges for listed buildings and householders	Increased customer dissatisfaction and numbers of complaints. Service not fit for purpose.	11/08/15	Ian Marshall, Niko Grigoropoulos	3	3	N/A	N/A	3	2	Applicants need to feel that they are getting value for money and that the advice is delivered in a timely and efficient manner.	All pre-app enquiries to be recorded in Uniform, tracked, and officer performance monitored. Consider adequate level of resource available				Ian Marshall, Mehdi Rezaie, Edward Oteng
Planning applications	Increase of fees. Introduction of new pre-app fees for householder applications	Reduction in numbers of requests for planning pre-app advice	Increase in planning pre-app fees and introduction of new pre-app fees for householders	Risk of corresponding increase in invalid, inadequate and unacceptable submissions. More refusals and appeals	13/08/15	Niko Grigoropoulos	2	2	N/A	N/A	2	2	Level of charges remains at a reasonable level so as not to discourage pre-app discussions	Monitor level of enquiries, and numbers of refusals and appeals. Continue applying validation lists				Mehdi Rezaie, Edward Oteng

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**To:** City Executive Board

**Date:** 15 October 2015

**Report of:** Stephen Clarke, Head of Housing and Property

**Title of Report:** Arrangements to facilitate the fitting of solar panels on council-owned housing stock

## Summary and Recommendations

**Purpose of report:** To outline proposals to facilitate the fitting of solar panels on Council-owned housing stock in such a way that reduces the demands on the HRA capital programme

**Key decision** Yes

**Executive lead member:** Councillor Mike Rowley, Housing

**Policy Framework:** Sustainability Strategy, Low Carbon Oxford, Housing Asset Management Strategy

**Recommendation(s):** That the City Executive Board resolves to:

1. **Grantproject approval** to fit solar panels on Council-owned housing stock in the manner described in this report;
2. **Delegate authority** to the Chief Executive, in conjunction with the Head of Finance, to enter into an Agreement to Lease with the Low Carbon Hub IPS (on the basis that this would permit leases to the roof space of individual Council properties to be drawn up and executed if required) plus any ancillary agreement required; and to submit an appropriate VEAT notice to the EU; and
3. **Agree** that on the basis of the matters set out in this report, the proposed arrangement with the Low Carbon Hub IPS represents best value to the Council.

## **Appendices to report:**

Appendix 1 Risk Register

## Background

1. This report proposes that the Council enters into arrangements to install photo voltaic solar panels on the roofs of council homes to produce electricity for the following reasons:-
  - The technology is now proven with highly predictable costs and benefits
  - Concerns about current and future costs of utilities and the impact on household budgets particularly those on low or fixed incomes
  - The opportunity to increase the proportion of renewable energy produced in the city and the consequent reduction in the carbon footprint
  - The timing in the reduction to the feed in tariff announced by the Government is such that some of a programme launched now would provide some benefit from current higher rates
2. The benefits can be summarised as:
  - Free electricity to the affected tenants during daylight hours estimated to reduce typical household electricity bills by around £150 pa.
  - A reduction in carbon dioxide emissions of 1200tCO<sub>2</sub> p.a. based on 1000 roofs, being included in the scheme, contributing to the Council's target of reducing city-wide emissions by 40% by 2020 and more than doubling the Council's emissions reductions on its own estate in a given year.
3. Tenants were consulted as part of the Housing Revenue Account Business plan, budgeting and rent setting and the Housing Asset Management Strategy. Included in this consultation was a proposal to invest in the energy efficiency of the housing stock. Thermal comfort, energy efficiency and fuel poverty have been identified as key concerns of tenants in the STAR surveys and other engagement activities. It is estimated that 20% of Oxford City Council housing tenants are in fuel poverty at the time of writing.
4. As a result of a number of proposed legislative changes there will be more constraints on investment programmes within our HRA business plan going forward and officers have been seeking alternative means of funding such programmes. In this case an option has been identified that is based on leasing free of charge roof space to Oxford-based social enterprise the Low Carbon Hub (the Hub). The Hub would raise the capital to install solar panels through a community share offer backed up as required by ethically sourced debt finance. By financing the installations in this way, the £5m programme currently included in the HRA capital programme would no longer be required, enabling those

funds to be directed to other areas of investment where there are no alternative sources of funding.

### **How the community-benefit model works**

5. In general terms the benefit derived from the power generated is distributed back to tenants in the form of free electricity and to investors in the Hub share offer to cover cost of the capital works. Any further surplus is then used to fund further investment in the community through other energy related projects delivered by the Hub.
6. The high level process for delivery would be:
  - The Council and the Hub would identify a pipeline of potential homes suitable for installation.
  - The Hub would raise share capital to cover the capital costs.
  - A project liaison officer, funded by the programme, would work with the Council and the Hub to identify those properties where the scheme could go ahead and support the effective running of the works programme.
  - The Council would lease at zero cost the roof of the property to the Hub.
  - The Hub would install and commission the panels.
  - The tenant would receive advice and support as to how to maximise the benefit from the panels and other related energy advice.
  - The tenant would receive free of charge electricity produced from the panels.
  - The investors would receive a return based on the Hub share offer prospectus, funded by surplus energy sold to the grid by the Hub and feed in tariff payments to the Hub.
  - The balance of cash would be retained by the Hub to re-invest in energy related projects in the city.

### **Value for money**

7. Although not a procurement the Council does need to satisfy itself that such an arrangement does provide best value and provides good value for money. Below are set out reasons why the Council could consider that the LCH provides a best value solution.
8. The Hub meets the criteria that the Council has previously adopted in a policy which steers the selection of partners for energy related projects in favour of:
  - Not for profit social enterprises
  - Local organisations likely to provide jobs and contribute to the local economy
  - Organisations who reinvest surpluses back into local communities

9. The Hub has a current proven track record in both raising capital through community share offers and the installation of renewable energy projects.
10. There are existing partnership and contractual relationships between the Council and the Hub
  - Low Carbon Oxford
  - Loan facility to Hub to provide working capital for other renewable energy schemes
  - The Hub is a partner in the Intelligent Energy Europe programme locally called OxFutures which has a current programme to deliver £18m of renewable energy projects
  - Re-investment in the communities of Oxford from previous schemes valued at in excess of £500k
  - The Council has a nominated officer as an Non- Executive Director on its boards
  - The Hub has a scheme that is ready to launch
11. There is a high degree of trust and confidence between the Council and the hub that has built up through these arrangements as well as an understanding of their financial models and business plans.

### **Legal arrangements**

12. It is proposed that this arrangement would be structured through the Council entering into a composite Agreement for Lease with the Low Carbon HubIPS ("LCH"), under which the Council would grant rights to the LCH to fit solar panels to the roofs of those Council properties which meet the relevant technical and practical requirements. The LCH would then be solely responsible for the installation process and all costs involved and would be entitled to receive any income derived from generation of additional electricity. As such, this arrangement with the LCH would constitute a land deal, and would not be subject to the European procurement regime. The Council would, however, be under a legal duty to ensure that this arrangement represents best value, and it must bear this in mind when deciding whether to enter into the proposed arrangements with the LCH. To ensure public transparency, the Council would wish to advertise this proposed arrangement by way of a VEAT notice in accordance with the European procurement regulation.

### **Right To Buy**

13. A tenant may purchase a property with solar panels installed under Right To Buy. The Hub has taken legal advice on this issue as the risk essentially sits with them. They believe that by initially gaining the tenant's consent to install the solar panels under these arrangements, the rights and obligations between the Hub and the Council would in effect continue between the Hub and the new owner after the right to buy

has been exercised. The agreement with the Hub will need to ensure that the risk arising from a tenant/owner seeking to challenge that view rests with the Hub.

### **National policy framework**

14. The Department for Energy and Climate Change published a consultation on the future of the Feed In Tariff (FIT) incentives on 27 August 2015. The precise impacts of this complex consultation is yet to be determined but it recommends steep reductions in all FITs and for domestic, a reduction from c. £0.12 to £0.0163 per unit electricity exported to the grid. It is proposed that this is effective from January 2016.
15. If this goes ahead, it is not expected that any commercial rent-a-roof models for delivery will be viable anymore. Examples from the past show that these schemes offered a poor return to landlords even when the FIT was high (£0.44 per unit). It is possible, but not confirmed, that community energy groups could still be offered better FIT rates. In that case community-benefit models for delivery of schemes such as the one proposed may be the only viable route.
16. Recent Government budget announcements will place significant constraints on Local Authorities investment programmes going forward.
17. These policy changes, and any future changes, may impact on the viability of the programme for either the Low Carbon Hub or the Council. It is proposed that the installation programme would be rolled out in phases with agreement between both parties to proceed in each case. By proceeding in this way we can maximise the benefits realised while retaining flexibility to respond to changing circumstances.

### **Delivery risks**

18. It is proposed that the terms and conditions of the Agreement to Lease will set out the requirements on the Hub to mitigate delivery risks to the Council.
19. **Financial failure of the Low Carbon Hub:** The installation programme would be rolled out in phases. In each phase the Hub will secure capital to pay the installation contractor in advance. This mitigates the risk of financial failure of the Low Carbon Hub during the installation period as the contractor will still be required to complete that phase of installation. Once operational there could still be a risk of default in the event of financial failure of the Hub. The Council and the Hub will agree appropriate measures to safeguard the installations, panels, and the associated FIT income, with the preferred option being to transfer the lease, panels, income and operational obligations to an organisation with similar objectives to the Hub.

20. **Tenant liaison:** excellent communications and engagement of tenants is required in order to, e.g.: secure tenant consent to installations (paving the way for a smooth installation process); set clear expectations for the suitability of any given property and the process to establish that; and to ensure that tenants know how to make the most of their system and how to seek support in the case of any issues. It is proposed that the Hub fund a tenant liaison officer who would be seconded to the Council to work closely with Housing and Property officers and tenants.
21. **Electrical standards of the installation:** It is proposed that the Hub will be responsible for the checks needed for the installation of the solar panels and liable for their installation meeting the standards that the Council must meet in its properties. The Hub's installers will not carry out checks beyond the scope of the solar panel installation, but will be required to escalate any issues they observe when visiting the property.
22. **Dependencies on Council housing portfolio management:** as the Council runs an on-going programme of maintenance on its properties it is essential that processes are in place to manage any dependencies with the Hub installations. It is proposed that properties are selected in the following way for each phase of delivery:
- an initial desktop assessment to select properties based on orientation, roof pitch and size
  - a process to cross check with the Council regarding roof replacement, presence of asbestos etc
  - gaining consent of the tenant
  - a sign-off process with the Council for properties in that phase
23. The design of an agreed, detailed process flow would be a requirement of the Agreement to Lease.

### **Financial Issues**

24. The scheme has been designed to be funded from external resources and associated financial risks managed by the Hub. Officer resources will be required to ensure close liaison with the Hub however, these are already accounted for in the planning of the capital programme. The route of external funding proposed relieves a £5m pressure on the planned HRA capital programme.

### **Environmental Impact**

25. Based on a programme of 1000 rooftop installations the following environmental benefits are expected:
- 3MW of capacity installed leading to 1200tCO<sub>2</sub> avoided every year
  - an income stream for Low Carbon Hub that will be reinvested in local projects that further reduce environmental impact. Previous examples include: £245,610 of investment to build 152kw of solar

pv on city schools; Hub staff support for city community groups to develop their own energy projects; contributions of time and materials on the Warming Barton external wall insulation project and the establishment of Good Food Oxford

### **Equalities impact**

26. The policy offers an opportunity to as many social housing tenants as reasonably practicable to reduce their household electricity costs. The council must consider the potential for differential impacts on the six primary equality strands: race, disability, age, gender, religion or belief, sexual orientation.
27. Selection of properties (and hence tenants) for the programme will be on the basis of the technical suitability of the property for the installation. For example: orientation, roof structure and slope and state of electrical systems. This selection is dependent on the tenants and therefore not biased to any groups with protected characteristics.
28. There will be a further 'consent' process in which tenants in eligible properties are engaged to gain their consent to the scheme. The Low Carbon Hub has a strong track record of working with communities to engage residents and secure sign-up to previous programmes such as the Warming Barton project. As the Hub will require access to the properties to complete the installation they will be required to meet the council's standards for safeguarding and managing the requirements of tenants. The tenant liaison officer would be the lead in working with the Council on this programme.
29. Monitoring will be provided through analysis of the potential pipeline of projects, the reasons any properties fall out of the pipeline and those that are completed along with equalities data captured as part of the tenant liaison process.
30. Given the considerations above the impact is positive as the initiative will provide opportunities for groups with protected characteristics who would not otherwise benefit.

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Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Right to Buy properties	The lease with the Hub is with the Council but if a property is sold the Hub will need to transfer the lease to the new owner	Threat	Right To Buy legislation allows tenants to buy their property in some circumstances. If the lease isn't transferred the solar panels will need to be removed.	The income from the panels would end if they were removed impacting the viability of the project	8/9/15	Low Carbon Hub	1	1	1	1	0	1	The risk lies with Low Carbon Hub as they provide the finance for the installation and repay their shareholders from the income from the solar panel feed in tariffs	The Low Carbon Hub have taken legal advice and will seek tenant consent to transfer a lease in the case of Right To Buy when signing up tenants to the scheme.	TBC		0	Low Carbon Hub
National policy on solar panel incentives	National policy framework for solar panel incentives may change	Threat	The income from future panels may be less than currently available	Financial model for solar panel installations may no longer be viable	8/9/15	Low Carbon Hub	2	3	2	3	1	3	The delivery model is in phases with a sign off on each phase. If the model is no longer viable, the delivery programme would halt. Systems that have already been installed will secure their income and are not affected by future policy changes	Phased delivery programme design by Low Carbon Hub. Delivery of programme is expedited in order to realise the maximum benefits possible.	TBC		0	Low Carbon Hub
National policy framework for LA owned social housing changes	The Council may be required to sell high value properties in the future	Threat	These properties would not be available to the scheme and any solar panels installed may need to be removed	Leases on properties with solar panels that are subsequently sold may not be transferred unless the sale is captured by Right To Buy above.	8/9/15	Stephen Clarke	2	2	2	2	1	2	The Council will have a role in the selection of properties and can remove any that are deemed to be likely to fall within this category. As it is impossible to second guess future policy some of this risk must be accepted to ensure benefits to tenants are captured now.	Council to assess high risk properties with a view to removing them from the potential pipeline list.	TBC		0	Stephen Clarke
Financial failure of the Low Carbon Hub	Financial failure of the Low Carbon Hub	Threat	The Hub would no longer exist and the installation programme would be interrupted	The Hub would need to implement arrangements regarding existing leases	8/9/15	Low Carbon Hub	4	2	4	2	3	2		The installation programme would be rolled out in phases. In each phase the Hub will secure capital to pay the installation contractor in advance. The Council and the Hub will agree appropriate measures to safeguard the completed installations, panels, and the associated FIT income, with the preferred option being to transfer the lease, panels, income and operational obligations to an organisation with similar objectives to the Hub.				Low Carbon Hub
Tenant liaison	Managing communications with tenants in order to maximise benefits and mitigate risks	Opportunity	Tenants need to be involved in the delivery process as consent and on site access will be required. Tenants may need new knowledge to maximise their savings.	More installations take place and tenants maximise savings on their electricity bill.	8/9/15	Stephen Clarke	4	2	3	2	1	1		It is proposed that the Hub fund a tenant liaison officer who would be seconded to the council to work closely with Housing and Property officers and tenants.	TBC			Low Carbon Hub

Electrical standards of the installation	Electrical standards of the installation must be meet Council needs	Threat	The installation of the panels requires a connection with the electrical system of the property	The installation must meet the standards required or there may be a cost to the Council	8/9/15	Stephen Clarke	1	1	1	1	1	1		It is proposed that the Hub will be responsible for the checks needed for the installation of the solar panels and liable for their installation meeting the standards that the Council must meet in its properties. The Hub's installers will not carry out checks beyond the scope of the solar panel installation, but will be required to escalate any issues they observe when visiting the property	TBC			Low Carbon Hub
Dependencies on Council housing portfolio management	Dependencies on Council housing portfolio management	Threat	Staff time needed to liaise with the Hub programme.	cost associated with staff time	8/9/15	Stephen Clarke	1	2	1	1	1	1		The design of an agreed, detailed process flow including a sign-off for each phase would be a requirement of the Agreement to Lease.	TBC			Low Carbon Hub
Delivering environmental benefits in a financially constrained context	Delivering environmental benefits in a financially constrained context	Opportunity	The Hub would raise the capital to install solar panels through a community share offer backed up as required by ethically sourced debt finance	Reduced demand on the HRA Capital programme	8/9/15	Stephen Clarke	3	3	3	1	3	4		Seek approval of CEB and negotiate the required terms and conditions for an Agreement to Lease with Low Carbon Hub	ASAP			Stephen Clarke

**To:** City Executive Board

**Date:** 15 October 2015

**Report of:** Executive Director, Regeneration and Housing

**Title of Report:** Additional Licensing Scheme for HMOs

## **Summary and Recommendations**

**Purpose of report:** The report provides the results from the consultation carried out for the HMO Licensing Scheme and seeks approval from members to designate the whole of the City as subject to additional licensing under section 56(1) (a) of the Housing Act 2004 in relation to the size and type of HMO specified in the recommendations of this report for 5 years commencing the 25 January 2016.

**Key decision:** Yes

**Executive lead member:** Cllr Ed Turner, Finance, Asset Management and Public Health

**Policy Framework:** Meeting Housing Needs and An Effective and Efficient Council

## **Recommendation(s): That the City Executive Board resolves to:**

1. Note the report of the Consultation of Licensing of Houses in Multiple Occupation 2015 and its findings attached at Appendix 1.
2. Agree that having considered the report of the consultation, which shows that a significant proportion of HMOs in the City are being managed ineffectively, an additional licensing scheme is required for a further 5 years.
3. Agree to designate the whole of the City as subject to additional licensing under section 56(1)(a) of the Housing Act 2004 for all three storey Houses in Multiple Occupation that contain three or four occupiers and all two storey Houses in Multiple Occupation that contain five or more occupiers with the designation coming into force on 25 January 2016 for a period of 5 years.
4. Agree to designate the whole of the City as subject to additional licensing under section 56(1)(a) of the Housing Act 2004 in relation to

all two storey or single storey Houses in Multiple Occupation that contain three or four occupiers and all self-contained flats that are Houses in Multiple Occupation, irrespective of the number of storeys, but, so far as concerns section 257, Houses in Multiple Occupation, limit the designation to those that are mainly or wholly tenanted, including those with resident landlords. This second designation will come into force on the 31 January 2017 and will last for 4 years.

5. Recommend Council to resolve to adopt the proposed fees and charges structure attached at Appendix 2.
6. Recommend Council to resolve to adopt the eligibility criteria for the new scheme as attached at Appendix 3.

## **Appendices**

- |            |   |
|------------|---|
| Appendix 1 | Report on the Consultation of the Houses in Multiple Occupation Licensing Scheme 2015 |
| Appendix 2 | Proposed Fees and Charges post 31 January 2016  |
| Appendix 3 | Eligibility criteria for proposed scheme  |
| Appendix 4 | Risk register   |
| Appendix 5 | Equalities Impact Assessment  |

## **Background**

1. In June 2015 the findings of the review of Licensing of Houses in Multiple Occupation was reported to the City Executive Board.
2. The City Executive Board confirmed that the review showed that a significant proportion of HMOS in the Council's area are being managed ineffectively and instructed officers to proceed with a statutory 10 week consultation preparatory to renewing the licensing scheme in its entirety for a further 5 years from the 25 January 2016.
3. The City Executive Board also requested that officers provide a further report setting out the results of the statutory consultation and proposals for the licensing scheme.
4. On 12 June the Council commenced the statutory consultation for a period of 10 weeks concluding on the 24 August 2015.
5. The Consultation of Additional Licensing of Houses in Multiple Occupation 2015, is summarised in this report and set out in full at Appendix 1.

## **Legal Issues**

6. In order for the Council to 'renew' the scheme it must proceed through the statutory process as laid out in Section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010.

7. Section 56 of the Act places requirements upon the Local Housing Authority when considering a designation for additional licensing of HMOs, in that the Council must:
  - Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public; and
  - Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn; and
  - 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 area (these codes relate to University managed accommodation).
8. Section 57 provides further considerations for the Local Authority in that they should ensure that:
  - Exercising the designation is consistent with the authority's overall housing strategy; and
  - Seek to adopt a coordinated 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; and
  - Consider 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; and
  - That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).
9. The DCLG General Approval provides the condition that any consultation period for the proposed designation should not be less than 10 weeks.
10. In February 2010 the DCLG produced general guidance around the approval steps for additional and selective licensing designations in England.
11. This document provides examples of properties being managed "*sufficiently ineffectively*" including:
  - 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 or reduce the problems; and
  - Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health and safety of residents and/or impacting upon the wider community.
12. The Additional Licensing scheme in the City was introduced in two phases with each phase lasting for a period of 5 years. This creates a situation where Phase 1 and Phase 2 will expire on different dates (Phase 1 on the 24 January 2016 and Phase 2 on the 31 January 2017).
  13. Under section 60(2) of the Act the time must be no later than five years after the date on which the designation comes into force.
  14. The proposal is that the new designation would commence on the 25 January 2016 for a period of 5 years and include a provision for Phase 2 of the original scheme to commence on the 1 February 2017 with an expiry date of the 25 January 2021. This would align the two phases of the scheme and reduce the financial burden associated with having to revoke Phase 2 of the scheme and re-designate it following expiry in 2017.

## **Consultation of the HMO licensing scheme in Oxford 2015**

### **Key Findings from the consultation**

15. The Council adopted a range of techniques for this consultation including questionnaires, focus groups, roadshows, tenants and resident group meetings and stakeholder meetings.
16. In total the Council received 209 questionnaires, 97 online and 112 completed face to face during the roadshows. A summary of the key findings from the two approaches are set out below.
17. The results from the online questionnaires were as follows:
  - 30% of the respondents were home owners living in Oxford, 28% landlords or owners of HMOs, 13% letting or managing agents, 9% tenants who were living, or had lived in a HMO in the past 5 years in Oxford, 6% tenants living in a non HMO, 5% students and people living outside of Oxford, and 3% other.
  - 49% lived in the OX4 area, 20% in OX3, 13% outside of the City, 12% in OX2 and 6% in OX1
  - The biggest concerns raised by people living in HMOs were the difficulties in getting repairs done, lack of contact with the

Landlord/Agent, problems associated with certificates, and deposit issues

- 36% of all residents reported serious concerns with poorly managed refuse/untidy overflowing bins, and HMO property conditions; 49% raised serious concerns about external property conditions
  - 51% responded to the issue of overgrown gardens indicating it was a problem in the area where they live
  - 53% of respondents either strongly agreed or agreed that there are poorly managed HMO's in the area of Oxford where they live
  - 39% of respondents felt that living conditions in HMOs have improved and 40% either strongly agreed or agreed that the licensing scheme has improved HMOs
  - 48% of respondents strongly agreed and 16% agreed that the licensing scheme should be 'renewed' for a further 5 years. 17% strongly disagreed and 12% disagreed
  - The top four reasons for disagreeing with the renewal of the scheme were, the Council should increase the punishment for rogue landlords, fees for a licence should be reduced for compliant landlords, the process should be simplified, and licences should be issued for longer periods of validity
18. The results from the face to face questionnaires completed during the roadshows were as follows:
- 48% of respondents were home owners living in Oxford, 15% tenants in a rented property that is not an HMO, 9% landlords and home owners, 9% tenants living in an HMO, 7% living outside Oxford, 5% living with parents in Oxford, 4% a landlord, 2% students and 1% a letting or managing agent
  - 46% of respondents were from the OX4 area, 29% OX3, 12% outside the City, 10% in OX2 and 4% in OX1
  - The biggest concerns raised by people living in HMOs were fear of reporting repairs for being evicted (13%), deposit issues (15%), lack of contact with landlord/agent (15%), and difficulties getting repairs done (19%)
  - The top four problems with HMOs in an area where respondents lived were overgrown gardens (25%) poorly managed refuse (23%), poor property conditions (21%), and poor external appearance of HMOs (20%)
  - 31% of respondents either strongly agreed or agreed that there were poorly managed HMOs in the area where they live
  - 70% of people provided a neutral response to the question of whether the licence scheme has improved HMOs in their area

whilst 24% strongly agreed or agreed and 7% strongly disagreed or disagreed

- 46% strongly agreed and 26% agreed with the proposal to 'renew' the Scheme in its entirety for a further 5 years. 11% provided a neutral response and 17% either strongly disagreed or disagreed
  - The top four reasons for disagreeing with the renewal of the scheme were the Council should increase the punishment for rogue landlords (33%), fees for a licence should be reduced for complaint landlords (27%), the process should be simplified, longer licences should be issued, and HMOs are now being better managed all scoring 13%
19. The focus groups included landlords, agents, students and residents of Oxford. The common theme resulting from these groups is that there is a need to refine the scheme to reward compliant landlords and increase costs for rogue landlords. Fees and charges to reflect this should be considered and longer licences offered to compliant landlords.
20. National organisations including the National Landlords Association, Residential Landlords Association and the Citizens Advice Bureau submitted responses to the consultation together with community groups such as Oxford Community Forum and Wolvercote Neighbourhood Forum. All of the responses received have been considered as part of the development of the consultation report and are included as appendices to that document.

## **Financial Issues**

21. When setting the fees and charges structure for the licensing scheme the Council has to take account of the staff costs, training, administration and publicity and that it is not allowed to use licensing fees to raise revenue for other projects or areas of work. The expenditure and income sheet is provided at Appendix 2.
22. The original financial structure of the Scheme was designed to be 'cost neutral' to cover the costs mentioned above and to ensure that no General Fund Revenue was required to support the delivery of the Scheme.
23. The proposed fees and charges structure set out in Appendix 2 is 'cost neutral' whilst addressing the majority of the issues and concerns raised during the consultation. It will have to be ratified by full Council prior to the introduction of the new scheme. There is likely to be a deficit in the first year and will therefore require the HMO reserve to be used to allow for the 5 year income and expenditure pattern to be achieved. The fees and charges structure will also be reviewed on an annual basis and if there is a need to increase them to cover any



potential shortfall then this will be recommended and reported through the budget setting process.

24. The Council has responded to some of the key issues raised in the consultation and structured the scheme in such a way that benefits those landlords and agents that are compliant and provides incentives to improve compliance. This is reflected in the fees and charges structure and the eligibility for licences.
25. The eligibility criteria and options for licences are shown in Appendix 3. The main change is the proposed introduction of a 5 year licence for landlords who are registered under the Council's accreditation scheme.
26. Accreditation will be given to those landlords and agents who are experienced, knowledgeable in their profession and are committed to following the good practice principles set out in the Royal Institution of Chartered Surveyors (RICS) Private Rented Sector Code of Practice, which was endorsed by the Minister of State for Housing and Planning in July 2015 and is attached as an Appendix to the Report of Consultation of the HMO licensing scheme.
27. Any differentiation applied to landlords and agents based on the Eligibility Criteria, including the length of licence for which they may be considered, is justified in furtherance of the overriding public interest of improving the standard of HMOs and their management.

## **Conclusion**

28. It is clear from the findings of the review that there have been some positive successes with the introduction and delivery of the HMO licensing scheme. Standards and management of HMOs have improved since the scheme was introduced; however there is still more that needs to be done to maintain these standards and build upon the successes of the Scheme.
29. Perceptions of the scheme are generally positive and residents and tenants, in particular can see clear improvements, 39% of respondents were of the opinion that living conditions in HMOs have improved and 40% either strongly agreed or agreed that the licensing scheme has improved HMOs.
30. It is however clear from the evidence issues that the scheme has still not fully addressed the issues relating to poor management and the condition of HMOs.
31. In addition, the evolving and buoyant housing market within Oxford has resulted in the number of HMOs increasing year on year. This underlines the need to maintain a continued pressure to ensure that standards do not decline and to provide better accommodation in this sector.
32. Therefore additional licensing remains an appropriate solution for the City. This approach is consistent with the priorities set within the Council's Corporate Plan and Housing Strategy.

33. As indicated above, it is planned that the licensing scheme should be entirely self-financing so that all of the costs associated with operating the scheme are covered by the fee structure. This will ensure that there is no additional financial burden placed on the Council's budget.

**Level of risk** - a risk register is attached as Appendix 4.

### **Environmental Impact**

The option of 'do nothing' is likely to result in significant environmental impacts, particularly when the Council will otherwise have a very limited ability to maintain and improve HMO conditions, for example: energy efficiency and thermal performance, waste management and household waste recycling.

**Equality Impact Assessment**– An EIA has been completed and attached as an Appendix 5.

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## **Consultation of Additional Licensing of Houses in Multiple Occupation 2015**



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## **Introduction**

This report provides the findings of the consultation carried out as part of the proposal to renew the HMO Licensing Scheme in operation in Oxford post January 2016. It sets out the responses and key findings of the 10 week statutory consultation which started on the 12<sup>th</sup> June 2015 and concluded on the 24<sup>th</sup> August 2015.

In order to understand the complete picture relating to the licensing of HMOs in Oxford it should be read in conjunction with the report on the review of HMO licensing produced by the Council in June 2015.

## **Background**

Additional Licensing in Oxford provides a mechanism to secure the improvement of all of the HMO stock in the City and is a significant undertaking by the Council. When it was first introduced the overall purpose of the licensing scheme was to: ***'alleviate the housing situation by setting and maintaining minimum standards across the city in the most vulnerable sector of Oxfords private rental market'***.

This is also a major contributing factor to the Councils Corporate priority of 'Meeting Housing Need' by the number of HMO Licence inspections carried out and by improving conditions in the Private Rented Sector.

The Additional Licensing scheme, introduced in the City in 2011 and 2012, runs for a period of 5 years. This creates a situation where Phase 1 and Phase 2 will expire on different dates (Phase 1 on the 24<sup>th</sup> January 2016 and Phase 2 on the 31<sup>st</sup> January 2017).

Under section 60 of the Act, the Local Authority must "from time to time" review the operation of the designation and if it is appropriate to do so then they may revoke the designation.

In 2014/15 the Council undertook a review of the HMO Licensing scheme which recommended that, post 2016 the Scheme be renewed in its entirety to cover the whole of the City. The two phases of the scheme will be aligned and therefore the expiry date of the proposed new scheme will be the 25<sup>th</sup> January 2021. This will simplify the system for the Council and customers and reduce the financial burden associated with having to revoke Phase 2 of the scheme and re-advertise the new designation for the whole scheme.

In June 2015 the City Executive Board approved these recommendations and approved the commencement of the 10 week statutory consultation, which is now complete.

## What is a HMO?

An HMO (House in Multiple Occupation) is defined in Sections 254 and 257 of the Housing Act 2004. An HMO can be a building or part of a building if it is:

- Occupied by persons who form more than one household, and where those persons share (or lack) one or more basic amenities, such as a WC, personal washing and cooking facilities.
- A converted building containing one or more units of accommodation that do not consist entirely of self-contained flats. (There is no requirement that the occupiers share facilities)
- A converted building consisting entirely of self-contained flats, where the building work undertaken in connection with the conversion did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The HMO must be occupied by more than one household:

- As their only or main residence
- As a refuge by persons escaping domestic violence
- During term time by students

In all cases:

- Occupation of the living accommodation must be the only use of that accommodation
- Rents are payable or other considerations are provided

Under the Housing Act 2004, a **household** comprises:

- A single person
- Co-habiting couples (whether or not of the opposite sex)
- A family (including foster children and children being cared for) and current domestic employees.

Certain types of buildings will not be HMOs for the purpose of the Housing Act. They are:

- Buildings, or parts of buildings, occupied by no more than two households, each of which comprise a single person only (for example, two person house or flat shares)
- Buildings occupied by a resident landlord with up to two tenants
- Buildings managed or owned by a public sector body, such as the police, local authority, registered social landlords, fire and rescue authority and the NHS
- Buildings occupied by religious communities



- Student halls of residence where the education establishment has signed up to an Approved Code of Practice
- Buildings occupied entirely by freeholders or long leaseholder.

## **Key Findings from the Consultation**

### **Online questionnaires**

- Of the 97 people that completed the online questionnaire, 29 (30%) were Home Owners, 27 (28%) were Landlords or owners of HMOs, 13% were Letting or Managing Agents and 9% were tenants who were living, or had lived in a HMO in the past 5 years in Oxford.
- 49% lived in OX4 area, 20% in OX3, 13% Outside of the City, 12% in OX2 and 6% in OX1.
- 98% of respondents were aware of the Scheme.
- 70% of the responses made regarding problems experienced living in HMOs were from Tenants and Students.
- The biggest concerns raised by people living in HMOs were difficulties getting repairs done, lack of contact with the Landlord/Agent, problems associated with certificates, and deposit issues.
- 36% of residents reported serious concerns with poorly managed refuse/untidy overflowing bins in HMOs
- 31% of residents raised less concern about empty unattended HMOs
- 36% of respondents raised concerns about HMO property conditions
- 49% raised serious concerns about external property conditions
- 51% responded to the issue of overgrown gardens indicating it was a problem in the area where they live
- 36% and 39% of residents did not have any major concerns about nuisance and ASB respectively from HMOs
- 53% of respondents either strongly agreed or agreed that there are poorly managed HMO's in the area of Oxford where they live
- There was a slight difference of opinion between landlords and home owners regarding whether HMOs are maintained to a good standard. 35% either strongly agreed or agreed that HMO's are maintained to a good standard whereas 31% felt that this was not the case and either strongly disagreed or disagreed.
- 39% of respondents felt that living conditions in HMOs have improved and 40% either strongly agreed or agreed that the licensing scheme has improved HMOs.
- 36% either strongly disagreed or disagreed that there were no problems with HMOs.

- 48% of respondents strongly agreed that the licensing scheme should be renewed for a further 5 years. 17% strongly disagreed, 16% agreed and 12% disagreed.
- The top four reasons for disagreeing with the renewal of the scheme were the Council should punish rogue landlords more, fees for a licence should be reduced and the process simplified and longer licences are needed.

## Road shows

- 112 people completed a questionnaire during the City wide road shows with 48% indicating they were Home Owners, 15% a Tenant in a rented property that is not a HMO, 9% Home Owner and Landlord, 9% Tenant living in a HMO, 7% Living outside Oxford, 5% Living with parents in Oxford, 4% a Landlord, 2% Students and 1% a Letting or Managing Agent.
- 46% of respondents were from the OX4 area, 29% OX3, 12% outside the City, 10% in OX2 and 4% in OX1.
- Overall 50% of people who completed a questionnaire were aware that the Scheme existed in Oxford.
- The biggest concerns raised by people living in HMOs were fear of reporting repairs for being evicted (13%), deposit issues (15%), lack of contact with landlord/agent (15%), and difficulties getting repairs done (19%).
- The top four problems with HMOs in an area where respondents lived were overgrown gardens (25%) poorly managed refuse (23%), poor property conditions (21%), and poor external appearance of HMOs (20%).
- 31% of respondents either strongly agreed or agreed that there were poorly managed HMOs in the area where they live
- 27% agreed or strongly agreed that HMOs are maintained to a good standard, with 47% providing a neutral response and 26% strongly disagreeing or disagreeing.
- 20% of respondents either strongly agreed or agreed that living conditions in HMOs have improved. 69% were neutral and 12% strongly disagreed or disagreed.
- 46% agreed or strongly agreed that there were not any problems with HMOs in the area where they live and 28% strongly disagreed or disagreed. 26% were neutral.
- 70% of people provided a neutral response to the question of whether the licence scheme has improved HMOs in their area whilst 24% strongly agreed or agreed and 7% strongly disagreed or disagreed.
- Similar high levels of neutral responses (62%) were received to the question of whether the licensing scheme has made no difference at all with 13% either strongly agreeing/agreeing. 26% felt that they strongly disagreed or disagreed with this statement.

- 46% strongly agreed and 26% agreed with the proposal to renew the Scheme in its entirety for a further 5 years. 11% provided a neutral response and 17% either strongly disagreed or disagreed.
- The top four reasons for disagreeing with the renewal of the scheme were the Council should punish rogue landlords more (33%), fees for a licence should be reduced for complaint landlords (27%) and the process simplified, longer licences and HMOs are managed better all scoring 13%.

## Focus Groups

### Landlords

A summary of the key responses provided by Landlords is found below in Table 1. The full SWOT analysis can be found at Appendix 1.

**Table 1 – Key results from Landlords SWOT analysis**

STRENGTHS	WEAKNESSES
Reputation of Scheme – something to be proud of and raises standards and improves safety. Communication – has improved over time and information provided has improved.	Expensive for good landlords Licence period too short Too much paperwork Lack of consistency
OPPORTUNITIES	THREATS
Two way communication Help to tackle rogue landlords More information on location and status of HMOs Morning clinic for advice and information	Lack of housing Over regulation Bureaucracy 'Rogues' ignoring scheme

### Agents

A focus group was held with agents and below is a summary of the key comments and views from the group. The full set of responses can be found at Appendix 2.

- “raising standards is what we all want”
- Support for raising the bar for 5 year licences

- “Make it easier for us”
- Introduce “service standards”
- “evolve the processes and procedures used in HMO to cater for the needs and preference of its customers”
- The Council should charge for accreditation training
- All good landlords have been paying since the beginning of the Scheme
- Link 5 year licences to ‘gold’ standard OCLAS accreditation
- Introduce ‘audit’ checks for 5 year licence holders
- Provide ‘account managers’ as direct point of contact for agents/large portfolio landlords

## Students

A focus group was held with students from Oxford University and below is a summary of their responses. The full set of responses can be found at Appendix 3.

Mixed experience of living in HMOs – some reported good where “landlord has British Gas cover...” and others that “agents is very responsive but the landlord is not so good” to, “difficult to get repairs done” and “sometimes challenging”.

Management issues identified included good practice with one case where “cleaner comes in every week and written into tenancy agreement that a management inspection is completed every 6 months” to “inspection every few months but we have to clean communal areas” to “no management inspections....when report issues agent doesn’t care... communication is not good”.

Most students had low expectations and had “heard a lot of horror stories from friends”. Clear discriminatory approach by agents who have a “just students” mentality and have different offices for students and working professionals. Scaremongering and made to feel under pressure in taking on a property were common themes.

One student reported a change due to the introduction of the licensing scheme because their landlord had asked them to test fire alarms regularly.

More work could be done with students to improve understanding and the requirements of HMO licensing.

## General Comments

In addition to the questionnaire and focus group results a number of individuals and organisations submitted comments via email and in writing. A summary of these is provided below.

National Landlords Association (NLA) – The NLA submitted a document with 14 points in response to the proposal for additional licensing, which can be found at Appendix 4.

The Residential Landlords Association (RLA) – The RLA submitted a consultation response raising 6 general concerns and 6 specific concerns with regard to the following:

- Government review of HMO Licensing
- Independent verification of data
- Room sizes
- Standards
- Costs
- Accreditation

The full response submitted by the RLA is provided at Appendix 5.

The Citizens Advice Bureau (CAB) - The CAB submitted additional information regarding issues they have come across as part of their caseload when dealing with private rented sector tenants in HMOs, which is attached at Appendix 6.

Some of the key concerns raised included:

- Poorly managed properties where health risks caused by disrepair are not addressed
- Retaliatory evictions as a result of complaints
- Failure to protect and return deposits
- Frauds and scams around availability of private rented accommodation

Members from Oxford Community Forum (OCF) submitted a written response to the consultation highlighting the following:

- Accreditation should be made easy and criteria should be certified
- Lack of awareness among landlords re: HMO licensing and accreditation
- Accreditation licence period of 3 to 5 years for accredited landlords
- HMO applications need to be simplified
- More flexibility required when applying standards
- Better cohesion between officers
- Provide guidelines for landlords
- General attitude of staff needs to be improved

- Rogue landlords should be pursued and targeted
- Tenants should be held accountable and responsible
- Subletting is a problem and not always the landlords fault

The full response from OCF can be found at Appendix 7.

A tenant from a licensed HMO in Magdalen Road submitted a written response which has been summarised below.

- There have been a few inspections by the Council over the last few years
- One recommendation was that there should be new kitchen facilities
- The new facilities are much better than, previously, so I am satisfied with that aspect
- New central heating also fitted
- Previous heating was adequate and now I have to pay higher heating costs
- Recommend that in future tenants are consulted on living conditions and proposed works explained

A letter was also received from Wolvercote Neighbourhood Forum which raised a number of problems they had experienced in the Wolvercote ward, in particular:

- Over development of HMOs resulting in run down appearance due to poor state of presentation and repair of some HMOs
- Insufficient space and facilities for tenants of HMOs
- Community integration issues
- Additional vehicles
- Multiple wheelie bins
- Increased risk of fire and other hazards

The full response from WNF can be found at Appendix 13.

## **Supporting Information**

### **Consultation on Licensing of HMOs**

Additional Licensing of HMOs has been in operation in Oxford since 2011 and the Council has recently conducted a review of the Scheme and produced a report that was submitted to the City Executive in June 2015 with recommendations to consult on the renewal of the scheme in its entirety from the 12<sup>th</sup> June to the 24<sup>th</sup> August 2015.

The Council has completed the consultation in line with the statutory requirements laid down by Government and the full sets of results are provided in this report.

### **Purpose**

The Council conducted the consultation in accordance with the requirements laid down by Government and the Housing Act 2004 so that 'all persons likely to be affected by the proposals' could make their views known to the Council before it submits a report to the City Executive Board setting out proposals for the structure of the new designation in October 2015.

### **Methodology**

To offer as many people the opportunity to put forward their views about the impact of the current scheme and proposals for the new designation the Council used a range of consultation techniques.

A questionnaire was developed to determine the status of the person responding and included a series of statements and questions focusing on three key areas:

- Conditions of HMOs
- Management of HMOs
- Impact of HMOs

Respondents were asked to indicate on a range of levels and scores about these areas. The questionnaire was made available on Oxford City Council's website and on websites in the neighbouring authorities.

In addition to the online questionnaire a series of 'road shows' were carried out by officers throughout the City. Details are provided in Table 2 below.

**Table 2 – Road show locations**

LOCATION	DATE
Clarendon Centre and Jericho area – Walton Street	23 <sup>rd</sup> June 2015
Rose Hill – Courtland Road and Templars Square	24 <sup>th</sup> June 2015
Barton – Underhill Circus (nr. Neighbourhood Centre) and Headington – London Road	25 <sup>th</sup> June 2015
Woodfarm – Atkyns Road and Blackbird Leys – Blackbird Leys Road	29 <sup>th</sup> June 2015
Summertown – Banbury Road/Oakthorpe and Marston – Old Marston Road	30 <sup>th</sup> June 2015
East Oxford – Cowley Road nr. Manzil Way	1 <sup>st</sup> July 2015
Botley – La Marsh Road	2 <sup>nd</sup> July 2015
Cowley Library	27 <sup>th</sup> July 2015
Oxford Central Library	27 <sup>th</sup> July 2015
Headington Library	28 <sup>th</sup> July 2015
Blackbird Leys Library	29 <sup>th</sup> July 2015

In total the Council received 209 completed questionnaires. 97 through the online option and 112 from the City wide road shows. This is an excellent response for this type of approach and exceeds the numbers by four times for the levels the Council received when consulting on its budget in 2014. This clearly shows that HMOs are a major concern for tenants and residents of Oxford and those living outside the City.

Targeted consultation of stakeholder groups was also carried out to capture the views of specific interest groups, namely landlords, agents and students.

A Landlord Information Exchange (LIE) was held on the 21<sup>st</sup> July 2015 at the Kassam Stadium and around 80 landlords and agents attended out of the 150 that had originally registered for this event. A series of presentations were given and attendees were split into four groups to conduct a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis facilitated by members of the HMO Enforcement and Licensing Teams. The full set of slides and results from the SWOT analysis are provided at Appendix 8.

A further landlord information exchange was held at the Town Hall in Oxford on the morning of the 5<sup>th</sup> August 2015 and 15 landlords and agents attended out of the 25 that had registered. A summary of the presentations used at the previous event was provided to attendees and a similar



SWOT analysis was conducted. The results of this analysis were incorporated into the full set, which has been provided at Appendix 1.

A focus group was organised in partnership with local agents at the Council's offices in Oxford on the 19<sup>th</sup> August 2015 and 15 people attended from various agents around the City. The meeting was an open debate around a number of defined issues and the results of this have been provided further in this report.

The University of Oxford also arranged for the HMO Enforcement Team Manager to conduct a focus group session with 10 students who had experience of living in HMOs in Oxford over the past five years. The students group was used to gauge their experience of living in HMOs and to see if there had been any impact on this through the introduction of the licensing scheme.

The Council was committed to ensuring that the consultation was targeted to a wider audience as possible and used a variety of methods to promote the project and encourage responses. Poster and flyers were distributed to all agents across the City during June and July and these were also made available in the University schools, student welfare and union offices. Posters were also distributed to other key external agencies such as Shelter, Crisis, Police and Oxfordshire County Council. All emails sent out by the Environmental Health teams had signature banners promoting the consultation and the landlord's event at the Kassam Stadium. A full set of these have been provided at Appendix 9.

A series of adverts were also placed in the local press detailing the date and location of the road shows mentioned earlier. The LIE meeting was also advertised in the local press. Regular updates about these events and general releases promoting the consultation were also put on the main social media sites. Details of these have been provided at Appendix 10.

The Leader of the Council carried out a radio interview with BBC Radio Oxford to respond to issues raised by the National Landlords Association and took the opportunity to encourage people to be involved in the consultation.

Officers also attended the Town Parish Council Meeting to present some of the key findings of the review report and to invite members to encourage their constituents to be involved in the consultation. A series of meetings were also held with ward members and with resident and tenants associations across the City.

## Consultation Results

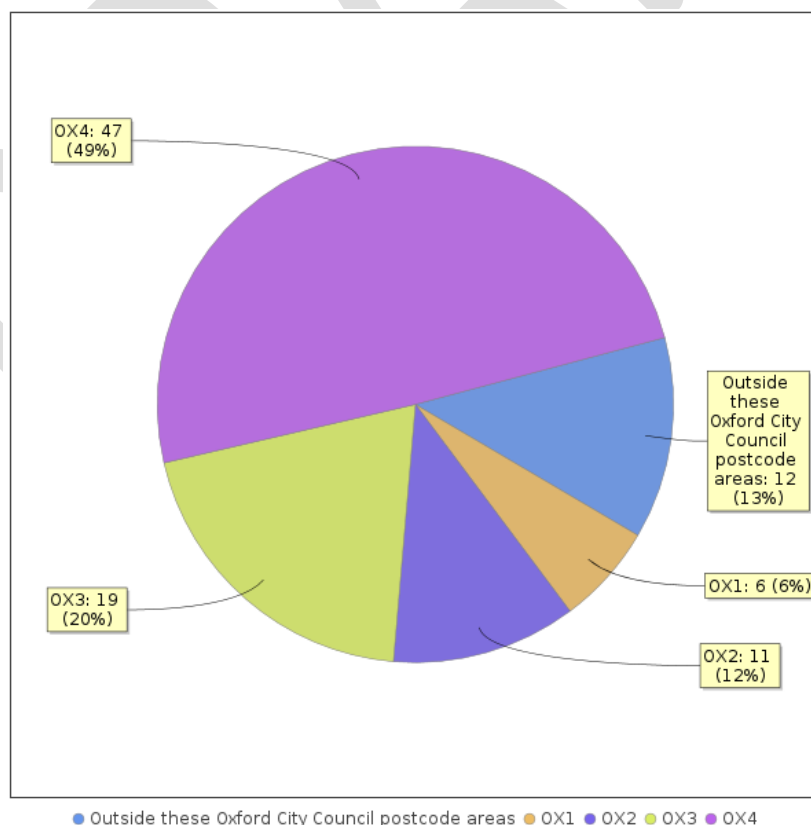
The following provides the results from all of the approaches discussed above. The first set of results, provided directly below, relate to those received from the questionnaires completed online.

### Online Questionnaires

The first question in the online questionnaire asked 'Which postcode area of Oxford City Council do you live in?'

As can be seen from Figure 1 below the majority of respondents (49%) were from the OX4 area of Oxford. This is not surprising given that there is a large concentration of HMOs in this area. The overall results are encouraging given that the approach of questionnaires can sometimes be problematic in obtaining responses.

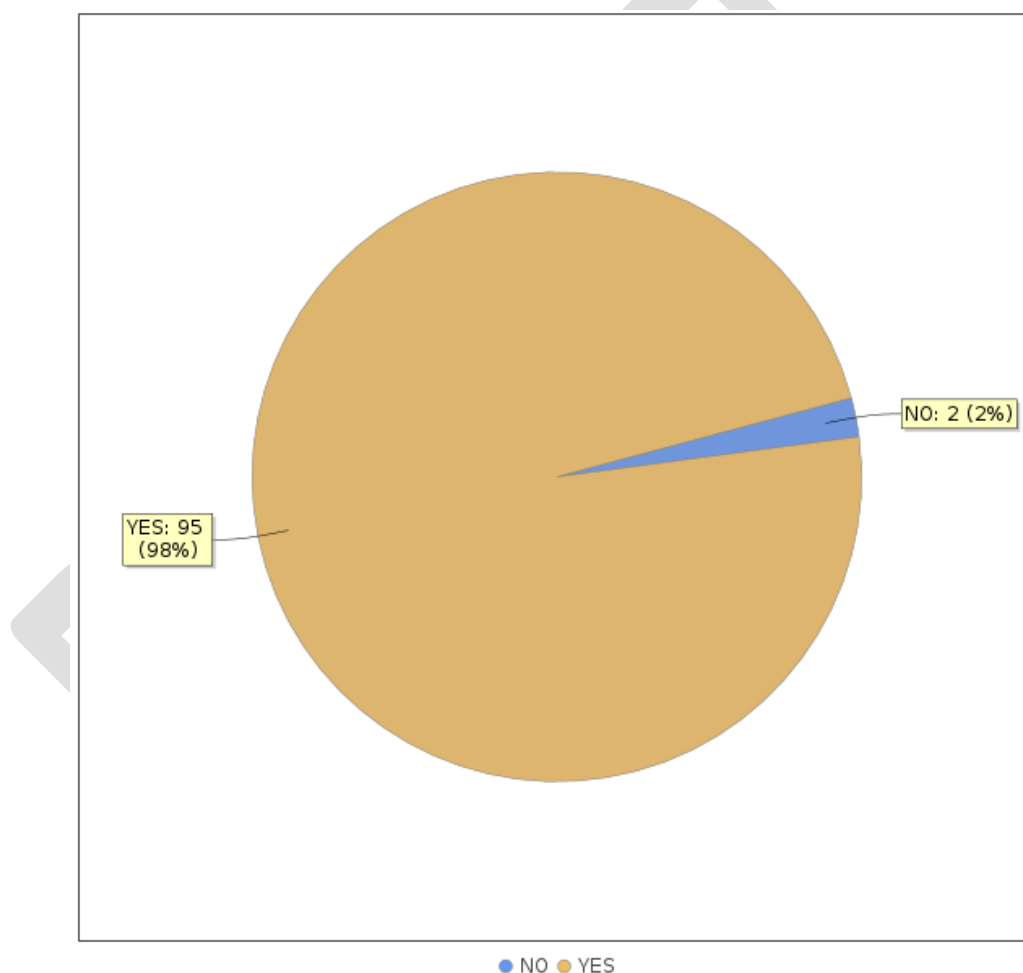
**Figure 1 – Postcode areas**



Question 2 asked people if, before taking part in this consultation, were they aware that the Council had introduced a licensing scheme for all HMOs in 2011.

Figure 2 provides the responses and as can be seen the overall majority of people (98%) were aware of the existence of the scheme before taking part in the consultation. This should provide the Council with some reassurance that the responses provided reflect the situation in the area, particularly for those questions that relate to issues about the impact and future of the scheme.

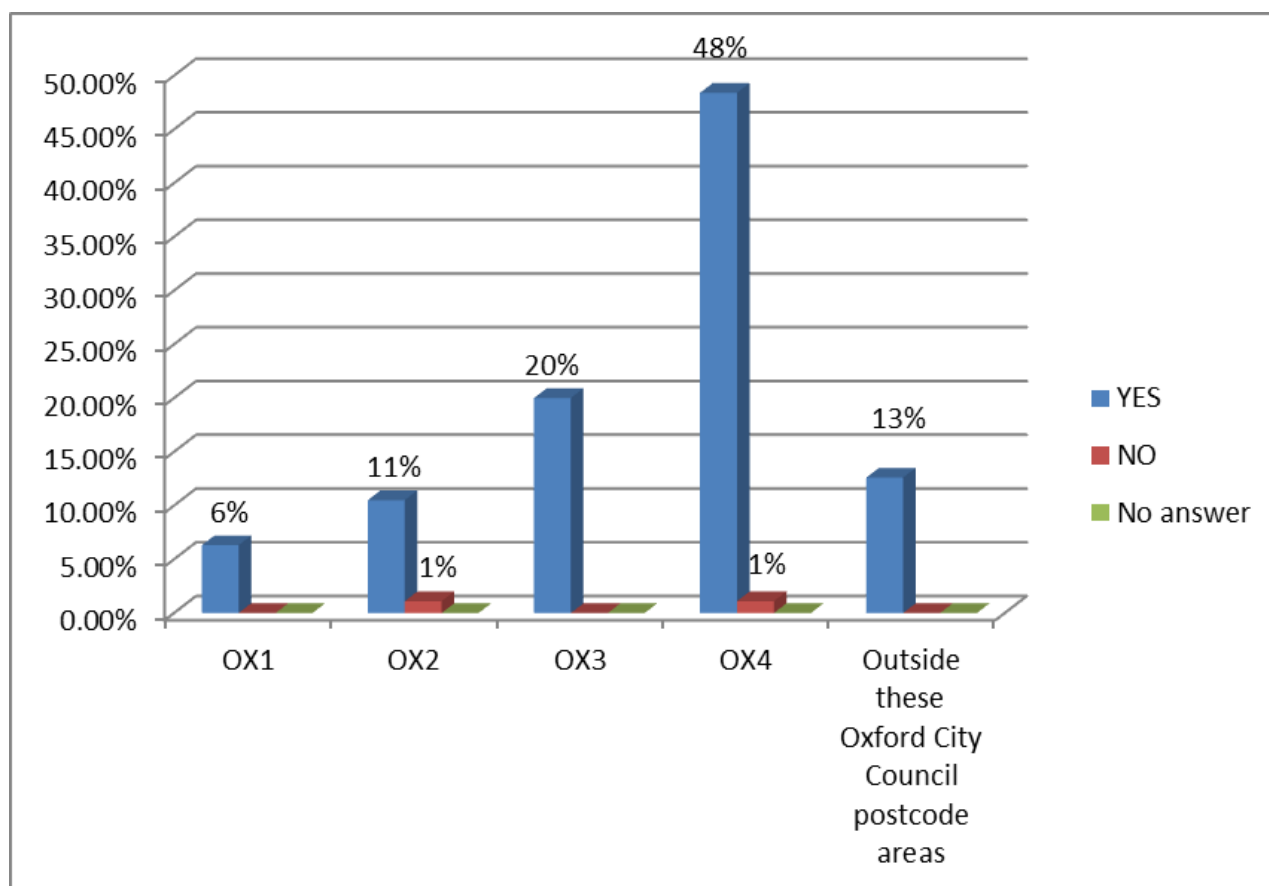
**Figure 2 – Awareness of licensing scheme**



A comparison was carried out to show the relationship between postcode areas and awareness of the scheme to identify if the Council needs to raise awareness in certain areas of the City.

Figure 3 below provides the results and shows that in all postcode areas there is a clear awareness of the scheme including 13% from outside of the City. This is not surprising given that the Scheme has been in operation since 2011 and the Council has made strenuous efforts to ensure there is an awareness and understanding of its effect.

**Figure 3 – Comparison of Knowledge of Scheme by Postcode**

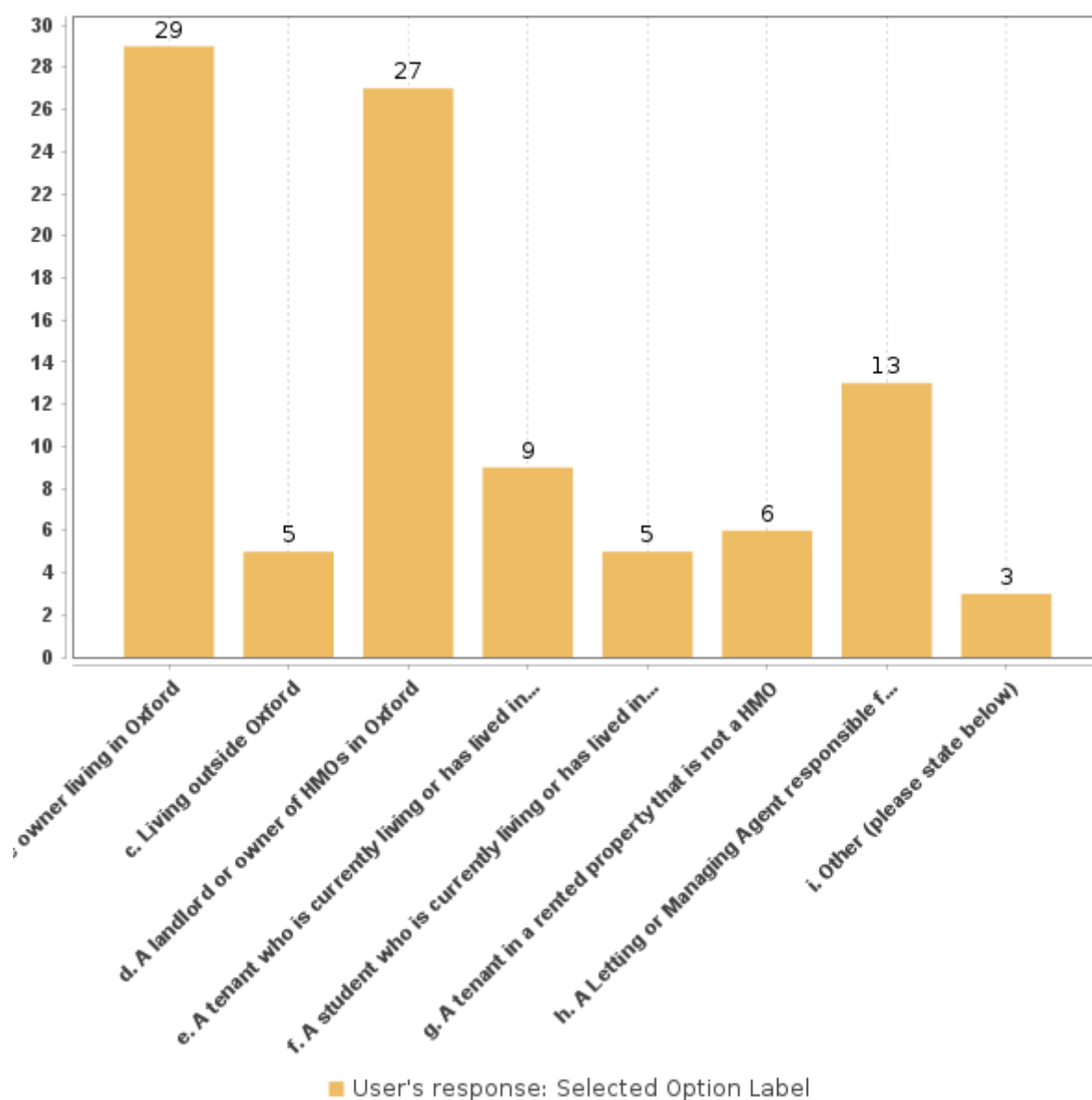


The next question required people to indicate which category best described them. This was used to determine the status of people responding and to lead them to certain questions which were more relevant for them to respond too depending on their response. For example where people indicated they were a landlord or letting agent then they were directed to a specific question for this group to also indicate how many HMOs they owned or managed.

Figure 4 below provides the results. The majority of responses were from residents/home owners in Oxford (30%). The next highest response group was landlords/owners of HMOs at 28% then Letting agents at 13%, closely followed by tenants of HMOs at 9%. Students and those living outside the City made up around 5% respectively.

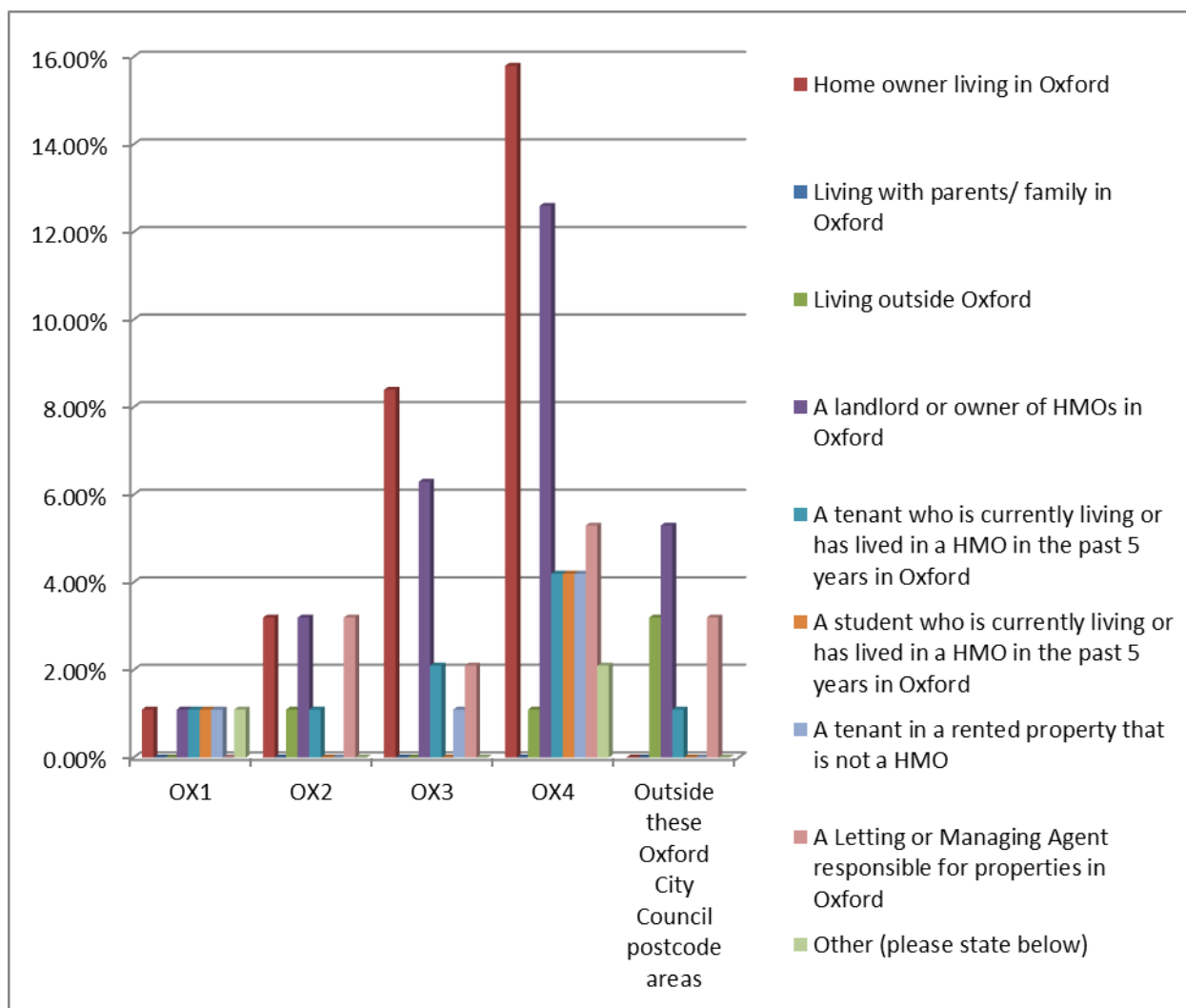
Clearly the categories tenants of HMOs (9%) and students (5%) could be considered the same as they will both live in HMOs and if these response rates were incorporated then they would constitute 14% of the total responses received.

**Figure 4 – Status**



A comparison of the relationship between status and postcode was also carried out to determine the spread of responses in more detail. Figure 5 below shows the results and as can be seen the spread reflects the numbers of responses received from the different target groups in each of the postcode areas and is proportionate to the overall responses shown in Figures 1 and 4.

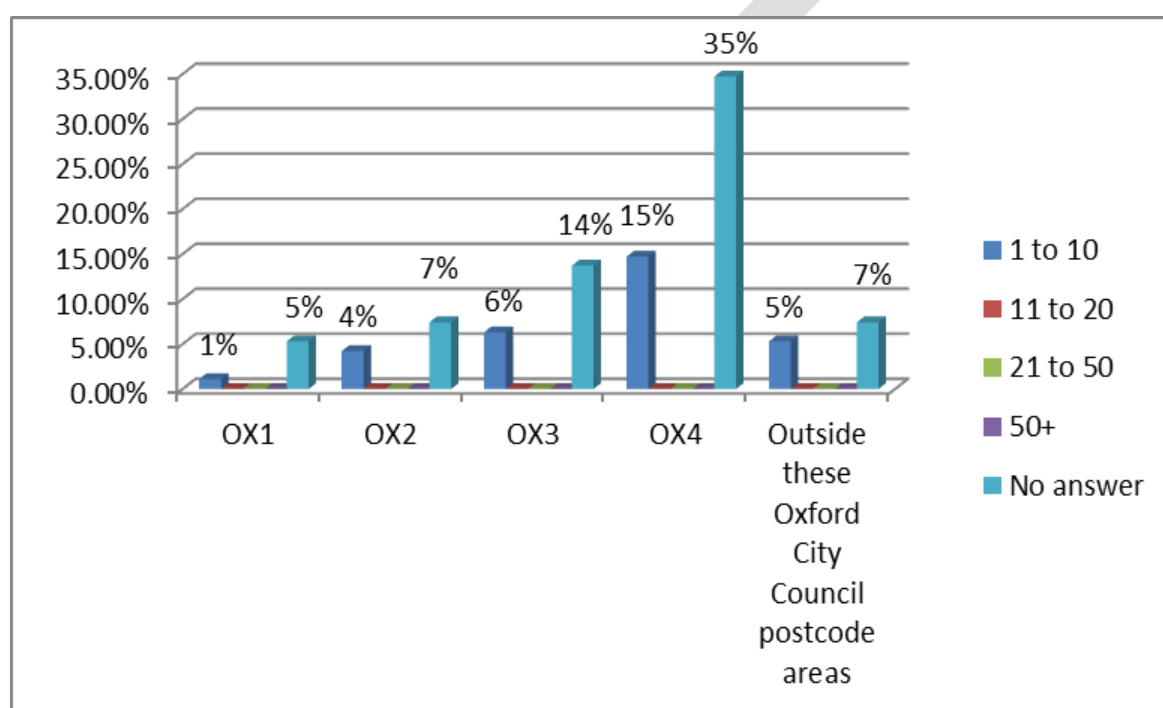
**Figure 5 – Relationship between Status and Postcode**



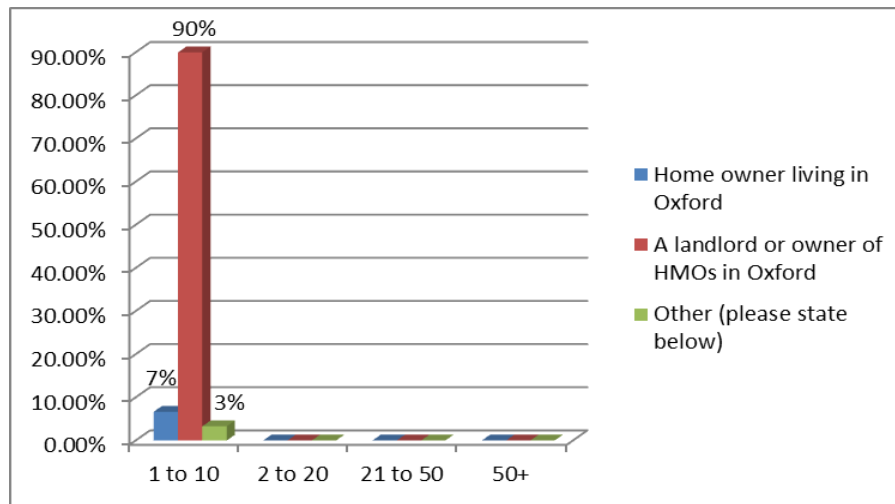
The following question, Question 4 was one of those that was targeted at a particular group of people, in this case landlords. This question asked landlords or owners of HMOs to indicate how many HMOs they owned in the City. The purpose of this, and question 5 shown below, was to try and establish if there was any connection between the issue of management and the number of HMOs owned/ managed by Landlords and Agents. All landlords who responded owned between 1 to 10 HMOs.

In order to determine the validity of the status of those who responded further analysis of the responses to this question was carried out as shown in Figure 6 and 7 below. This confirms that 90% of the responses received were from landlords and that the majority live in the OX4 (15%) and OX3 (6%) postcode areas. 5% of landlords also live outside of the Oxford City postcodes. It is however worth noting, in all cases there was a clear reluctance on the part of landlords to provide details of the number of HMOs they own with 68% returning a response of no answer.

**Figure 6 – Comparison between numbers of HMOs owned by Landlords by Postcode**

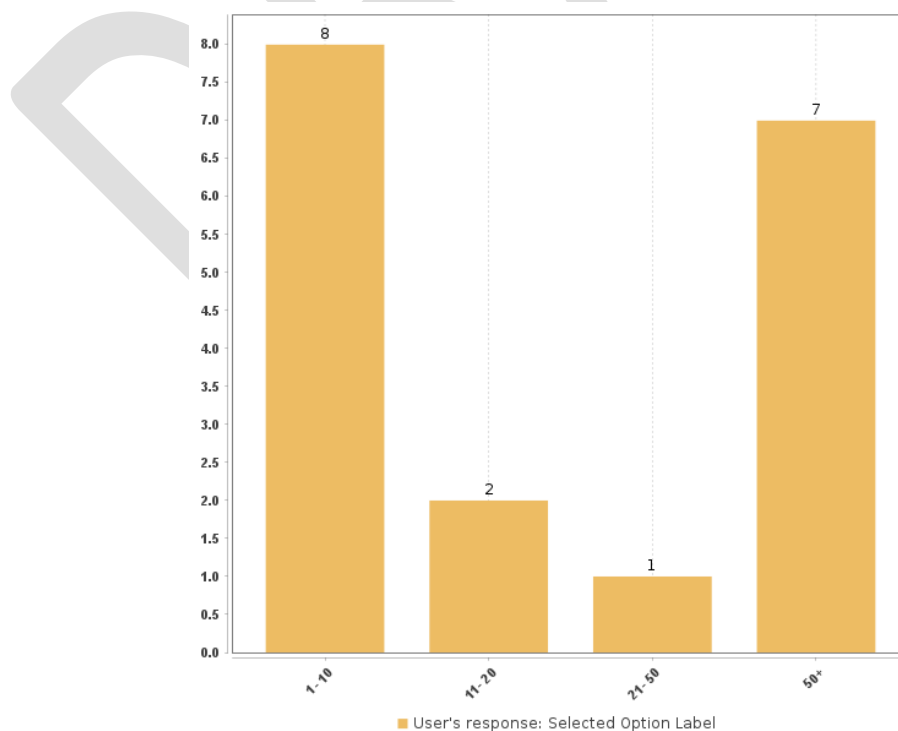


**Figure 7 – Comparison of responses to number of HMOs owned by Status**



Similarly to question 4, agents were asked, in Question 5, to indicate how many HMOs they managed. Figure 8 below provides the results. There is a clear difference between the numbers of HMOs managed by agents with 44% reporting they managed between 1 to 10 HMOs and 39% in excess of 50+ HMOs.

**Figure 8 – Number of HMOs managed by agents**





Again further analysis of the responses to this question was carried out to determine the spread across postcode areas and the results can be seen in Figures 9 and 10 below.

**Figure 9 – Comparison of numbers of HMOs managed by Postcode**

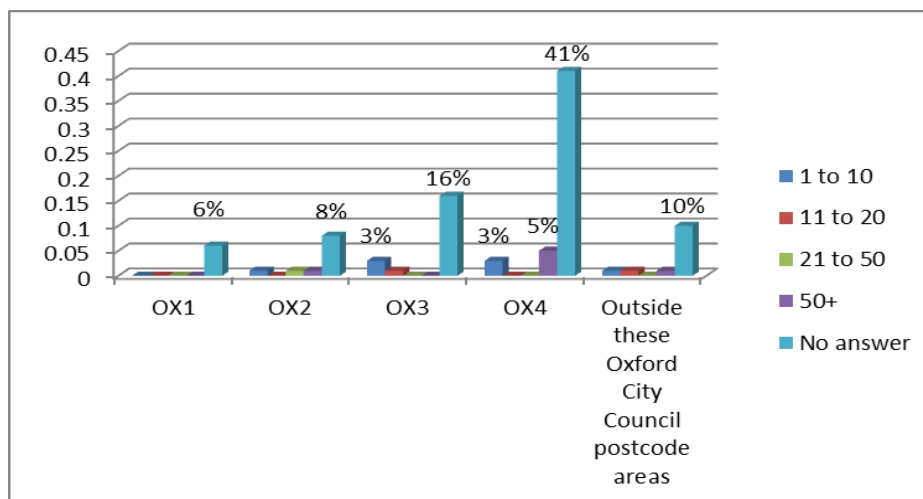


Figure 9 above shows that there is a much larger number of HMOs managed by agents across the City. It should also be noted that as with question 4, put to landlords, there is a clear reluctance on the part of some agents to provide actual figures with 81% overall preferring not to answer.

**Figure 10 – Comparison of responses to numbers of HMOs managed by Status**

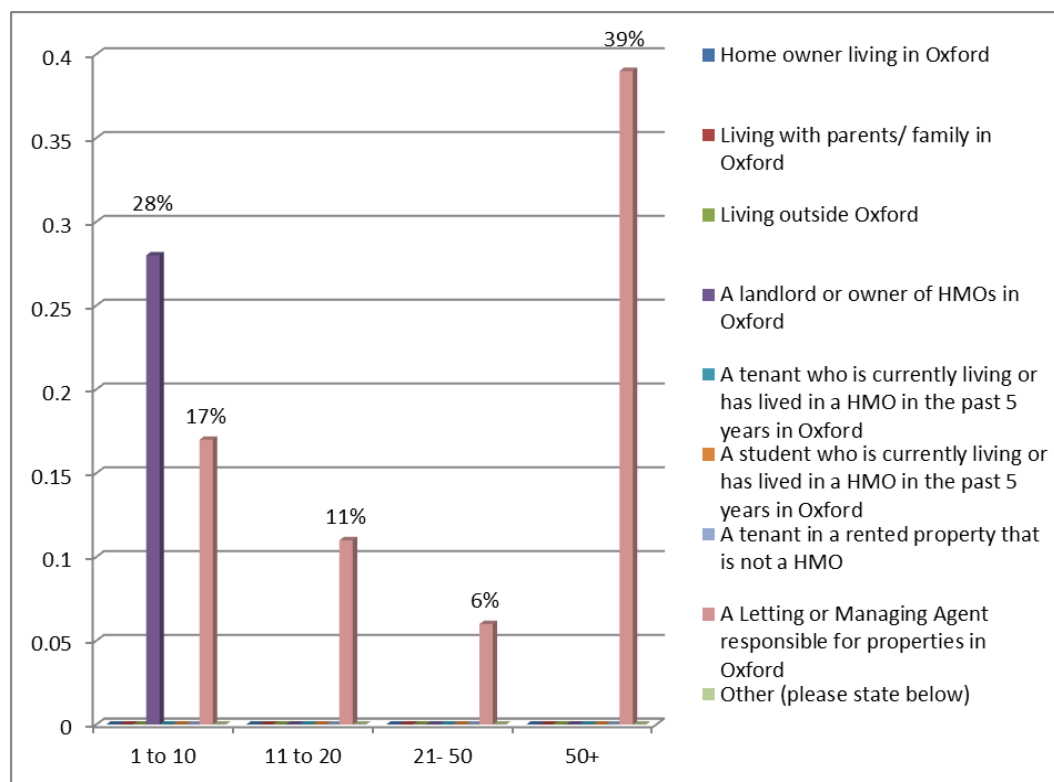


Figure 10 above provides a comparison of responses to the numbers of HMOs managed by status as a cross check. Not surprisingly this clearly shows that the majority of respondents were from managing agents (73%) with a lower number (28%) of landlords responding as a managing agent. If we include the response from landlords that also consider they are a managing agent then this indicates that around 45% of 'agents' manage between 1 to 10 HMOs in Oxford and 39% manage in excess of 50 HMOs each. This would suggest that there are potentially a large number of landlords in Oxford that have small portfolios including less than 10 properties.

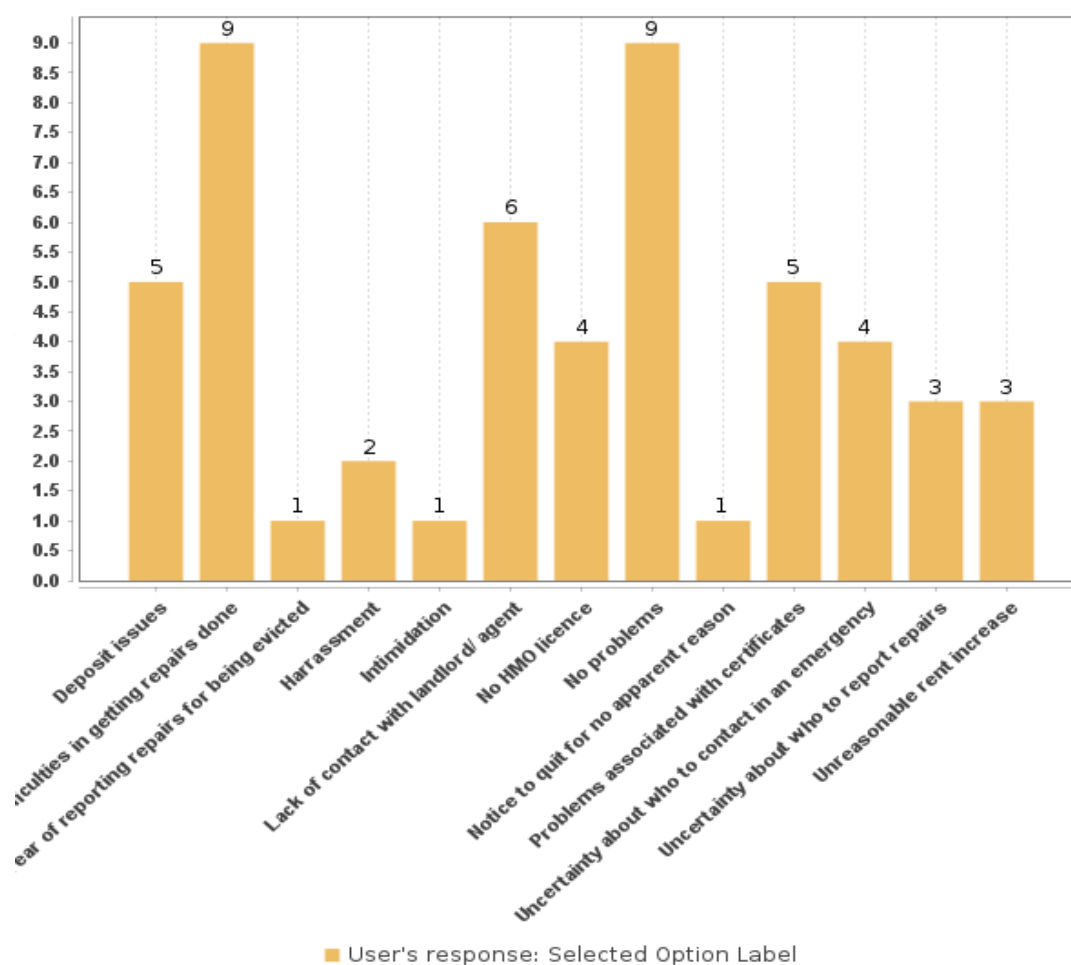
Question 6 was aimed at people who lived or have lived in a HMO in Oxford in the past five years. Those who fell into this category were asked to indicate if they had personal experience of any of the following:

- Fear of reporting repairs for being evicted
- Notice to quit for no apparent reason
- Unreasonable rent increase
- Deposit issues
- Lack of contact with landlord/agent
- Difficulties in getting repairs done

- Intimidation
- Harassment
- Problems associated with certificates
- No HMO licence
- Uncertainty about who to report repairs
- Uncertainty about who to contact in an emergency
- No Problems

Figure 11 below provides the responses made to this question. The majority of respondents felt that out of all the problems they encountered, difficulties in getting repairs done, was the worst. A similar number indicated that there were no problems with HMOs for occupants, however concerns were also raised about the lack of contact with the landlord/agent, deposit issues and problems associated with certificates i.e. gas safety, fire and electrical. There were also problems associated with no HMO licence and uncertainty about who to contact in an emergency.

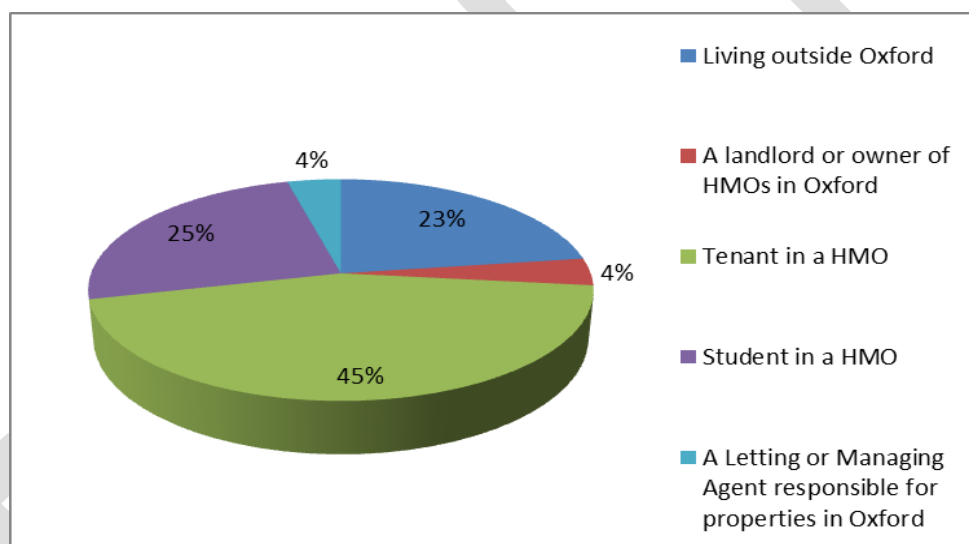
**Figure 11 – Personal Experience of Living in a HMO**



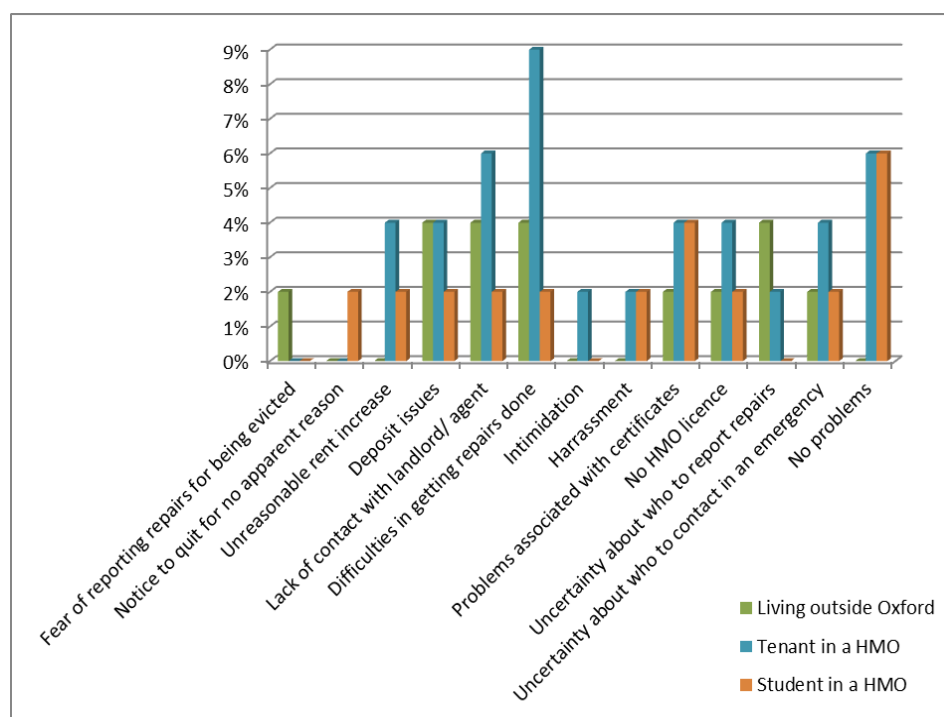
This question was aimed at people who were likely to have experienced these problems when living in a HMO in Oxford so it is important to note the breakdown of responses by status to this question (Figure 12).

As can be seen below the majority of responses (70%) were from tenants and students that were living or had lived in a HMO in the past five years in Oxford. A further 23% of responses were from people living outside of Oxford, which could mean that they had previous experience of living in a HMO and had subsequently moved out of the area. Further analysis was therefore carried out to identify problems experienced by tenants, students and respondents living outside of Oxford, which equates to 93% of the total number of respondents to this question. Figure 13 below provides the findings from this further analysis.

**Figure 12 – Responses to problems experienced living in a HMO by status**



**Figure 13 – Experience of problems living in a HMO by Status**



This further analysis supports the overall findings that the biggest problems experienced living in a HMO in Oxford is in getting repairs done. It also, however, suggests that there are problems associated with certificates, lack of contact with landlord/agent and deposit issues. With the exception of those that now live outside of the City around 6% also reported that there were no problems experienced.

Question 7 asked all people to indicate on a scale of 0 to 10 (with 10 being the most severe) which of the following problems they have experienced with HMOs in the area of Oxford where they live or have lived.

- Poorly managed refuse/ untidy or overflowing bins/ excessive black sacks
- Empty unattended HMOs during term time/ height of summer
- Poor property conditions
- Poor external appearance of properties
- Overgrown gardens
- Nuisance
- Anti-social behavior

This question was open to all respondents irrespective of their status and they were asked to provide a score for each of the problems that were applicable. Varying numbers of respondents provided an answer to the different categories and in some cases not all respondents provided a score. Where no answer was provided a zero was given based on the assumption that they did not have any experience of these problems.

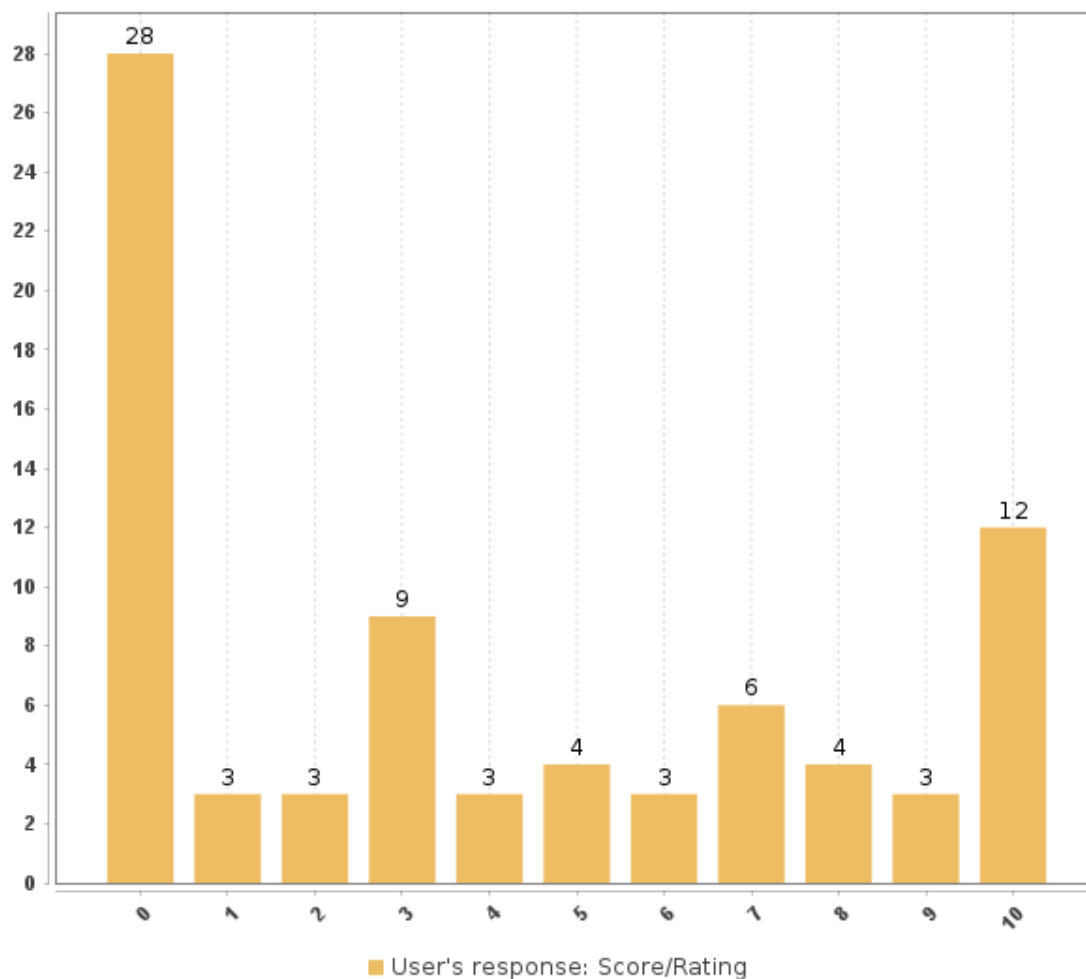
Further interrogation of the responses provided to this question was therefore carried out to determine the percentage of people that scored 1 to 10, suggesting they had answered and had some concerns about the category.

The status of the respondents was also determined because clearly each category provided will affect different people in different ways which in turn is likely to influence the final 'score'.

Figures 14 to 34 show the results in relation to each category, who responded and what score was calculated.

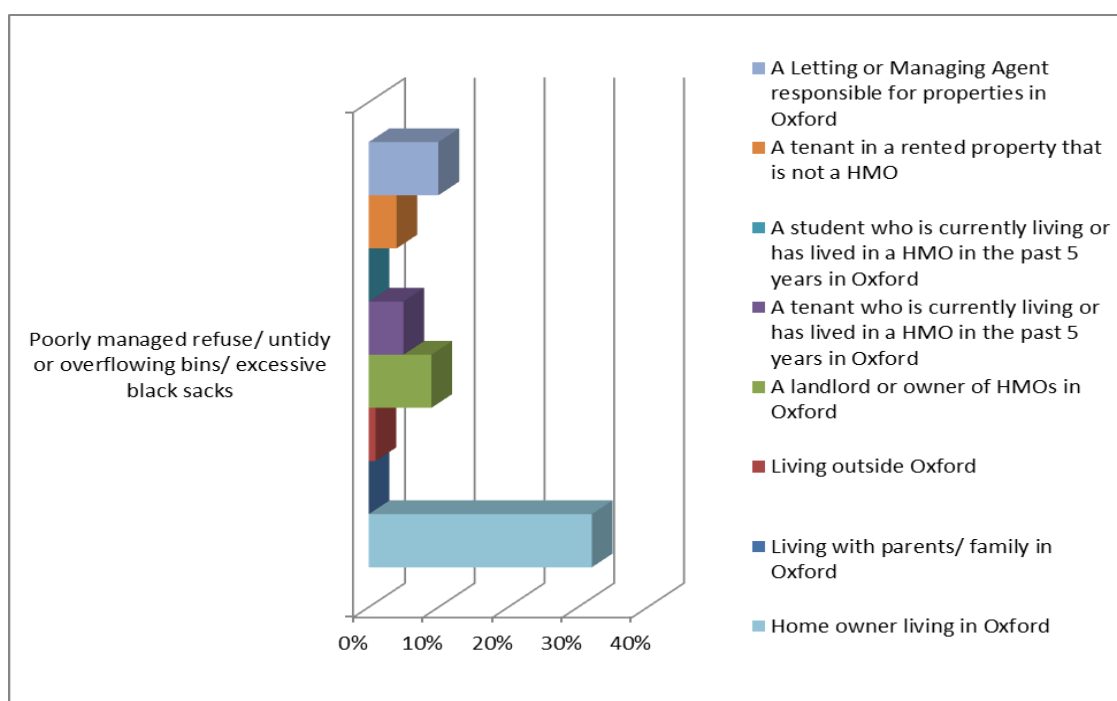
The first category related to poorly managed refuse at HMOs and as can be seen from Figure 14 there were 78 (80%) people that responded to this question providing varying scores. 36% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

Figure 14 – Poorly managed refuse in HMOs



The breakdown of respondents in Figure 15 below shows that the majority were from home owners living in Oxford (30%) followed by letting or managing agents (9%) and landlords (8%). Tenants who are currently living or have lived in a HMO in the past five years in Oxford made up the next highest response.

**Figure 15 – Responses by Status**



The analysis of scores from 1 to 10 is shown below in Figure 16. This ignores any zero scores so is based on the proportion of responses where respondents indicated that there were concerns. Using the findings from Figure 14 this is therefore based on a response rate of 65%.

**Figure 16 – Breakdown of scores from 1 to 10**

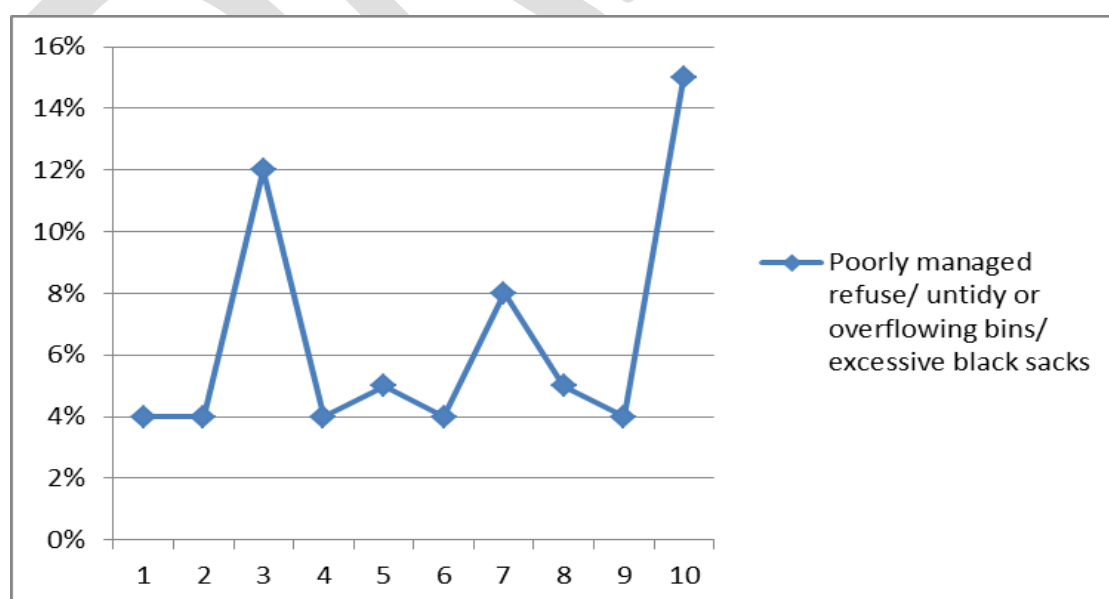
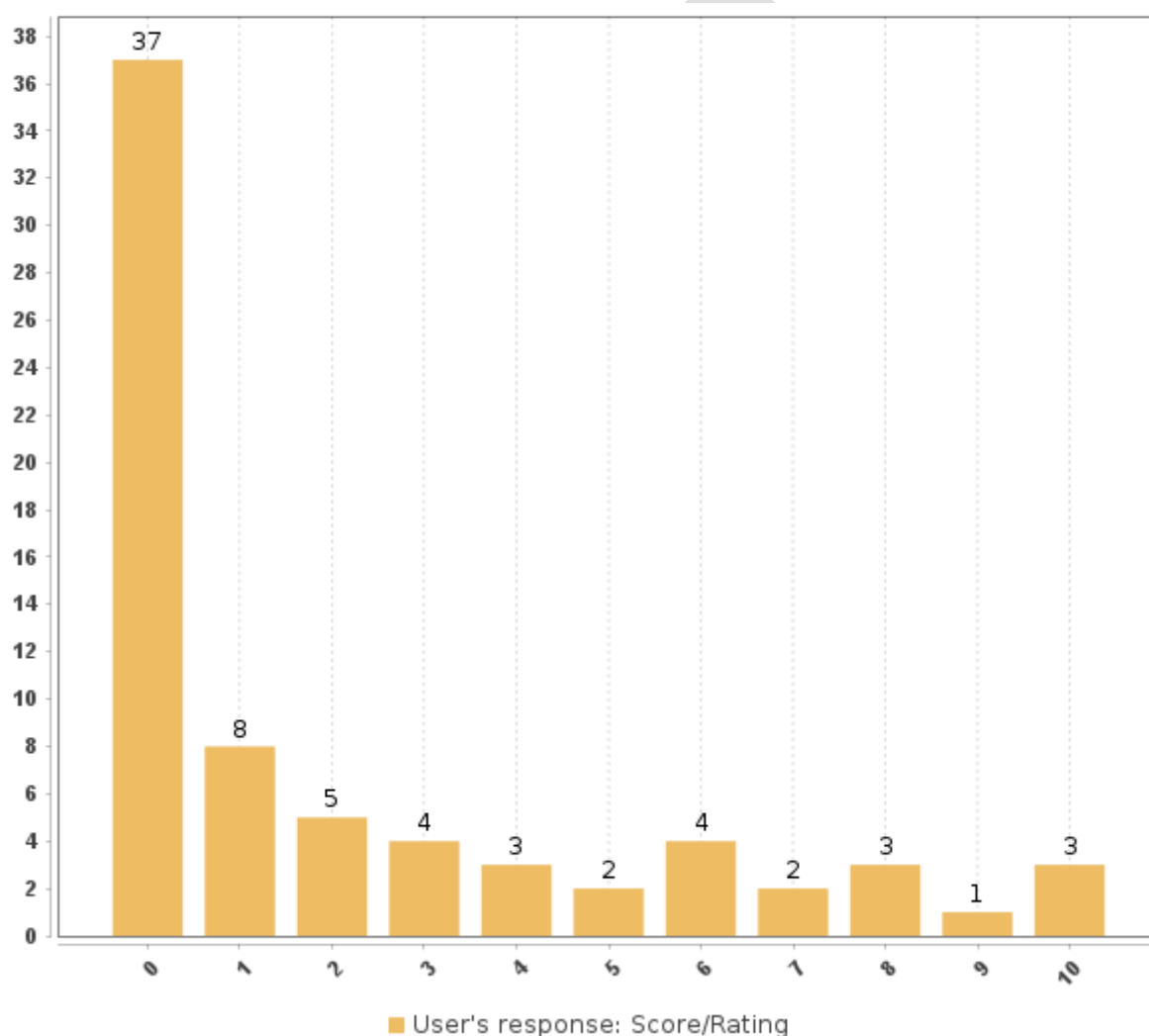




Figure 16 above suggests that out of those that responded around 36% have serious concerns about poorly managed refuse at HMOs by providing a score of 6 or above for this category. The remaining 29% provided a score of 5 or below indicating there was less concern.

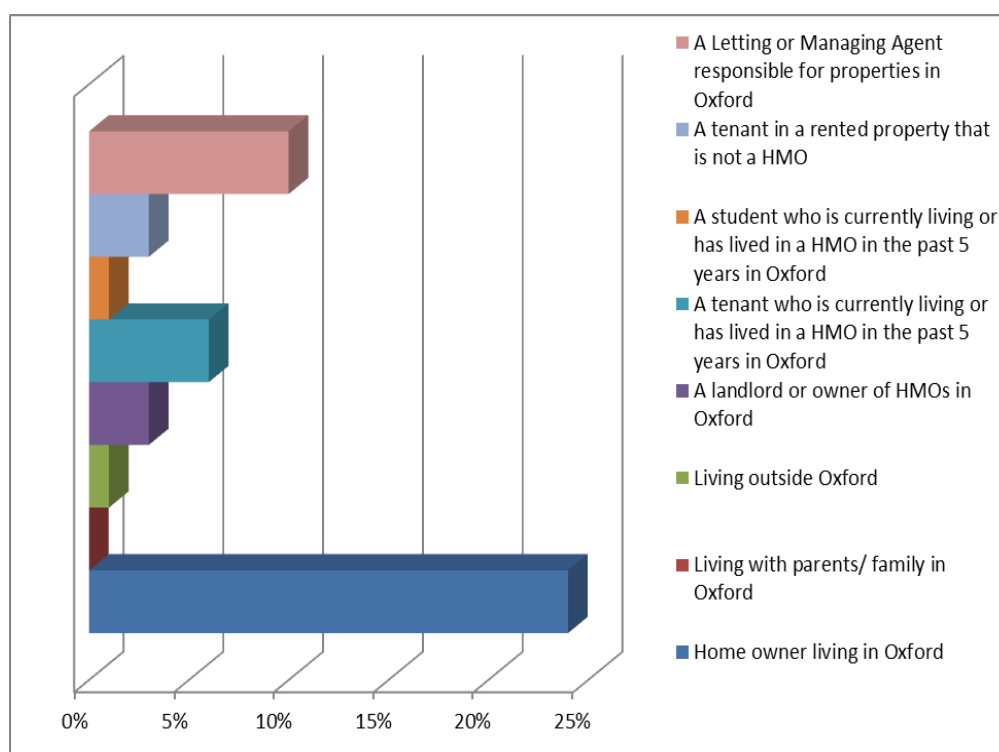
The next category people were asked to consider as part of this question related to the issue of empty unattended HMOs and 72 (74%) participants responded. 51% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question. Figure 17 below.

**Figure 17 – Empty unattended HMOs**



The breakdown of respondents in Figure 18 below shows that the majority (24%) were from home owners living in Oxford followed by letting or managing agents (9%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (6%) then landlords and tenants of non HMOs.

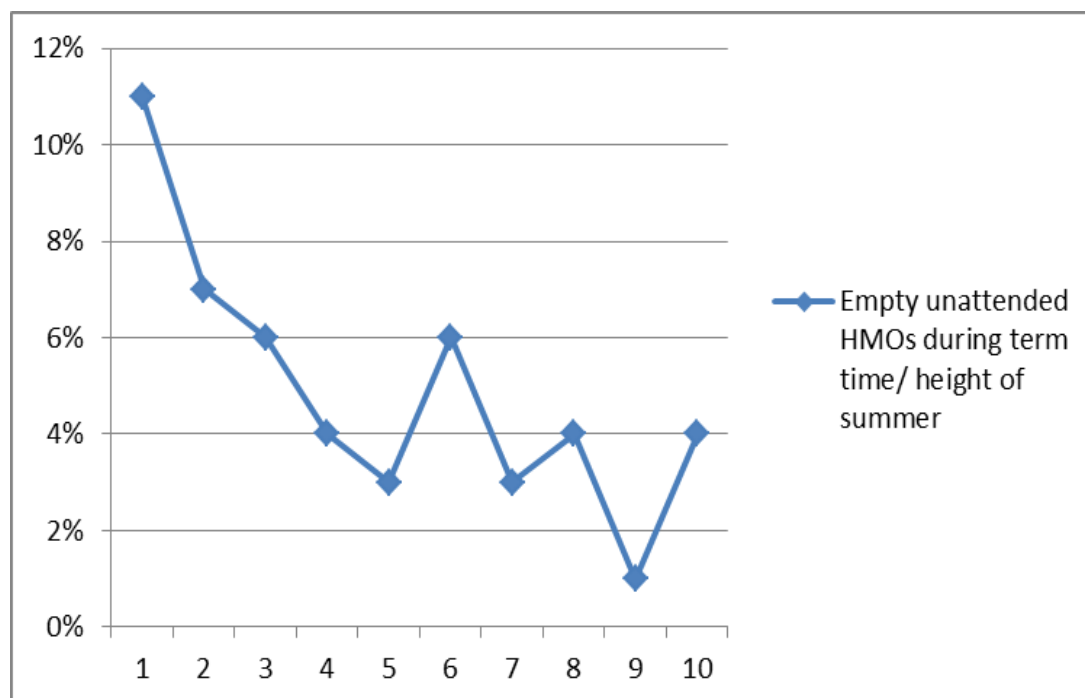
**Figure 18 – Responses by status**



The analysis of scores from 1 to 10 is shown below in Figure 19 and as previously mentioned is based on the proportion of responses where respondents indicated that there were concerns i.e. provided a score of 1 to 10.

In this instance 49% of respondents scored between 1 and 10 for this category, the lowest out of them all, with around 31% of those scoring 5 or less indicating that this is not a major concern for them. The remaining 18% provided a score of 6 or more suggesting they have concerns about this issue.

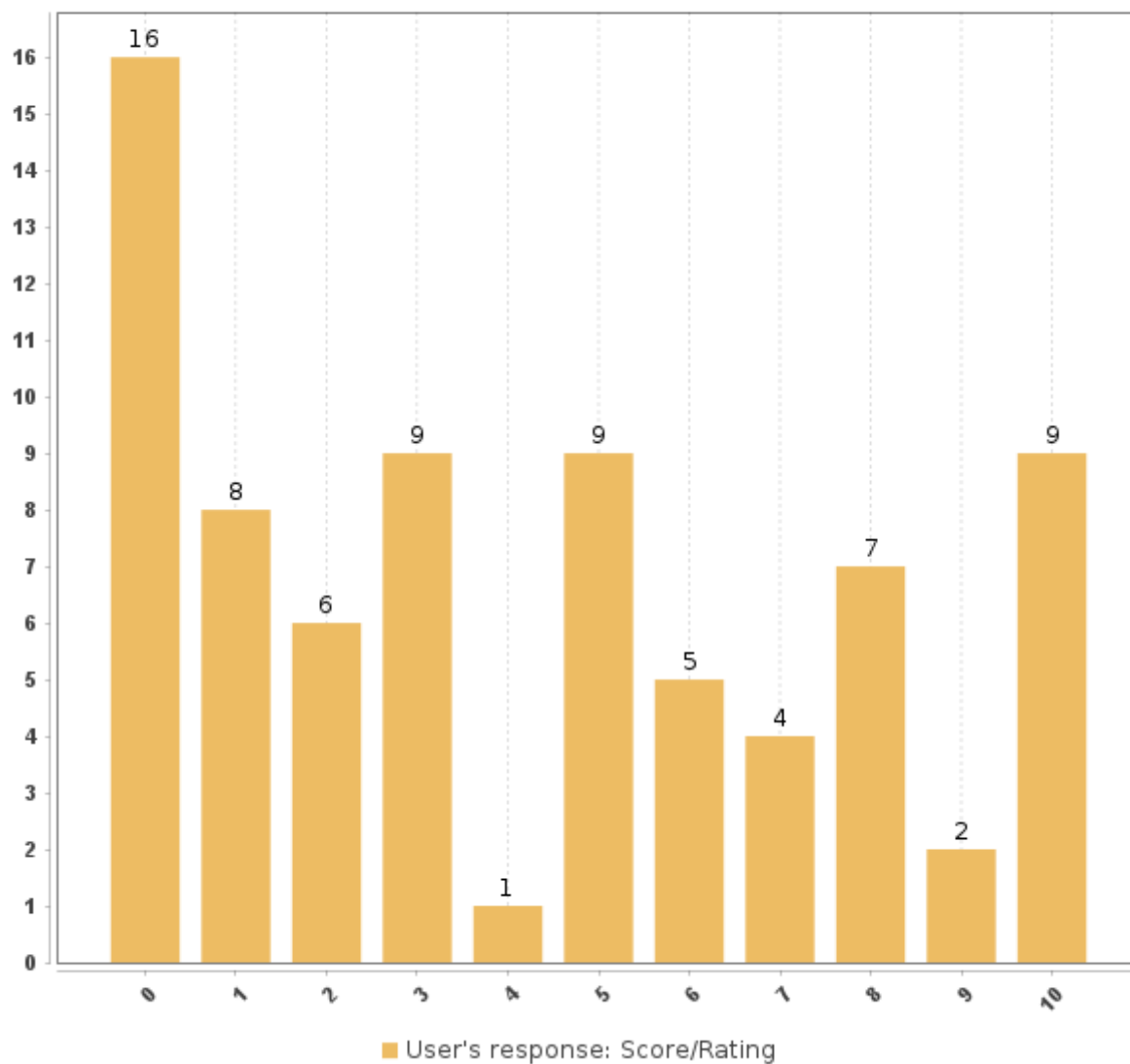
**Figure 19 – Breakdown of scores from 1 to 10**



This clearly suggests that generally there is not a problem with empty HMOs but there are potentially some isolated cases where this happens and causes concern.

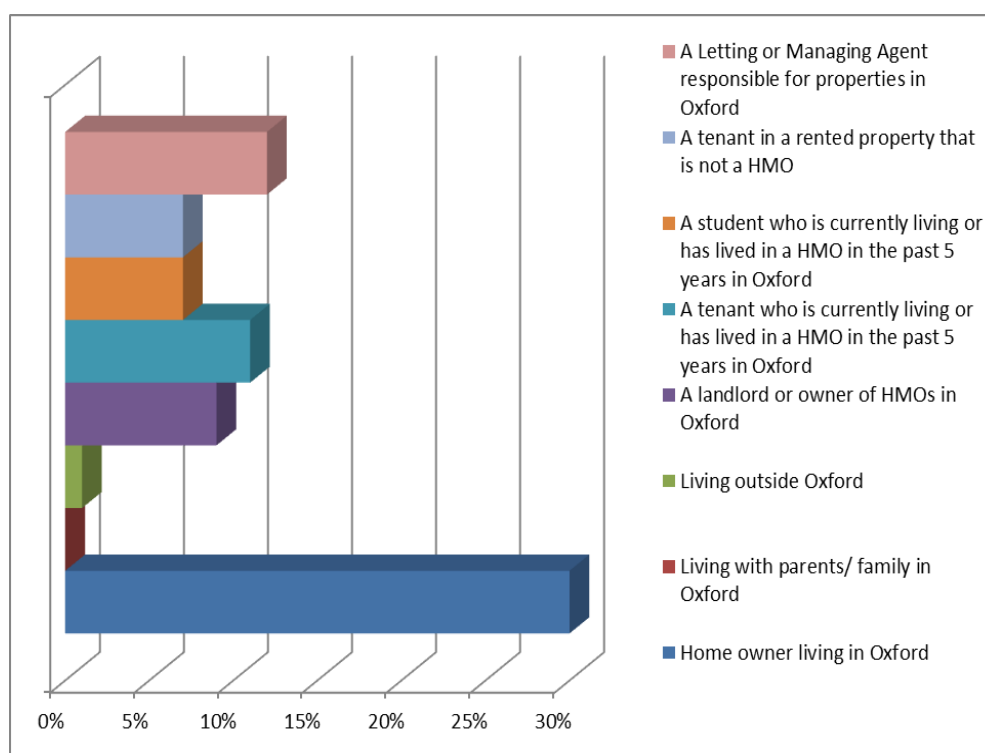
The next category to be considered related to poor conditions in HMOs and as can be seen from Figure 20 below 76 (78%) people responded to this question. 21% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

Figure 20 – Poor property conditions



The breakdown of respondents shown in Figure 21 below indicates that the majority (29%) were from home owners living in Oxford followed by letting or managing agents (12%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (10%), landlords (8%) and finally tenants of non HMOs and students (6% respectively).

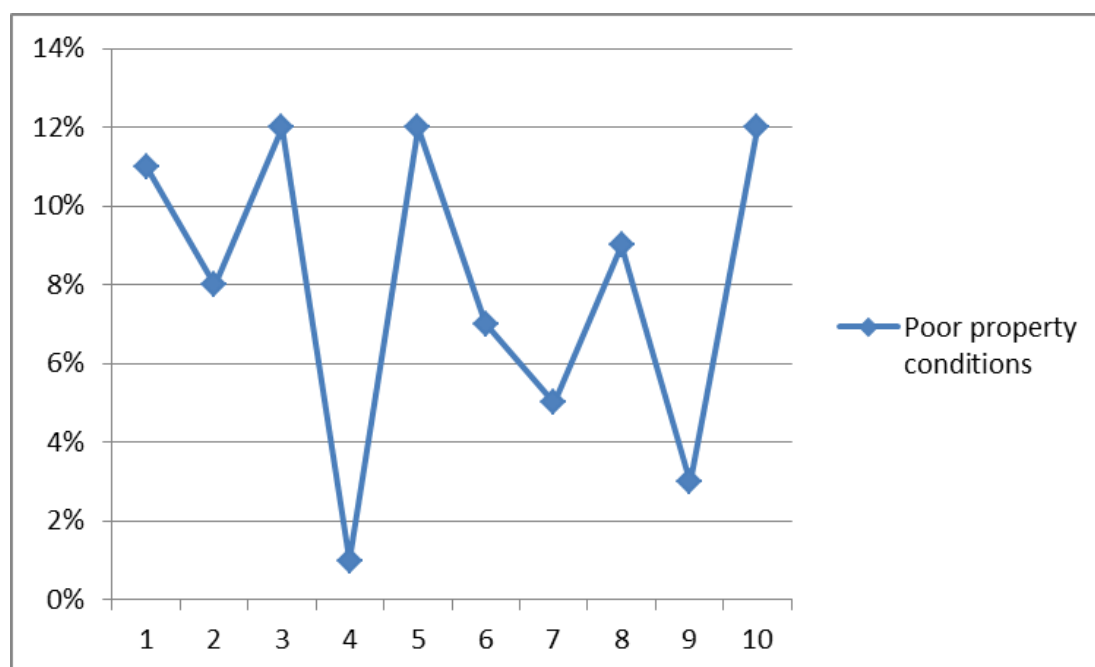
**Figure 21 – Responses by Status**



The analysis of scores from 1 to 10 is shown below in Figure 22 and takes account of the proportion of responses where respondents indicated that there were concerns, which in this case was 78%.

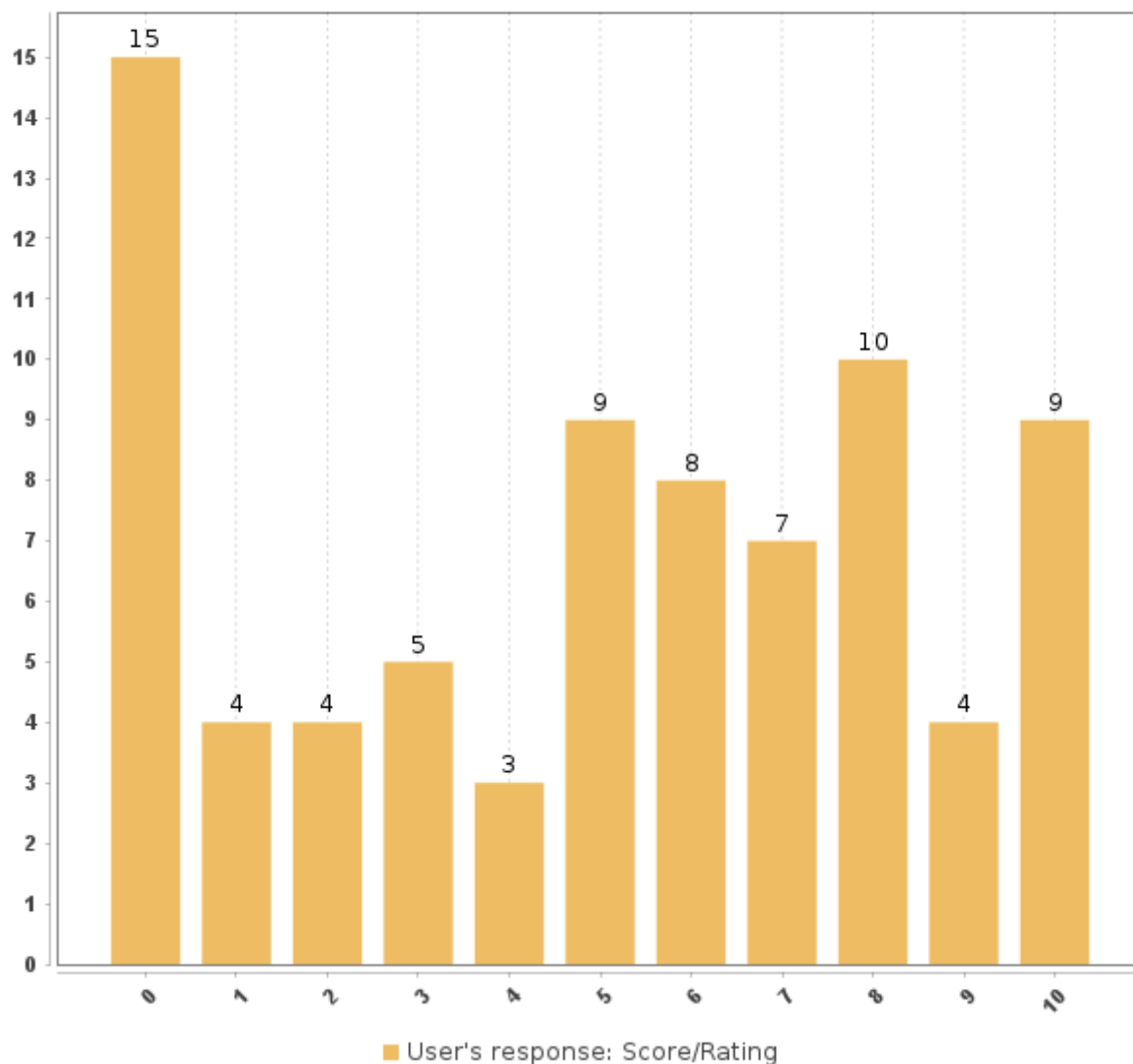
There are clearly a number of concerns about this category but the majority of respondents (44%) provided a score of 5 or less indicating that they are not a major concern for them. The remaining 36% provided a score of 6 or more suggesting they have serious concerns about property conditions.

**Figure 22 – Breakdown of scores from 1 to 10**



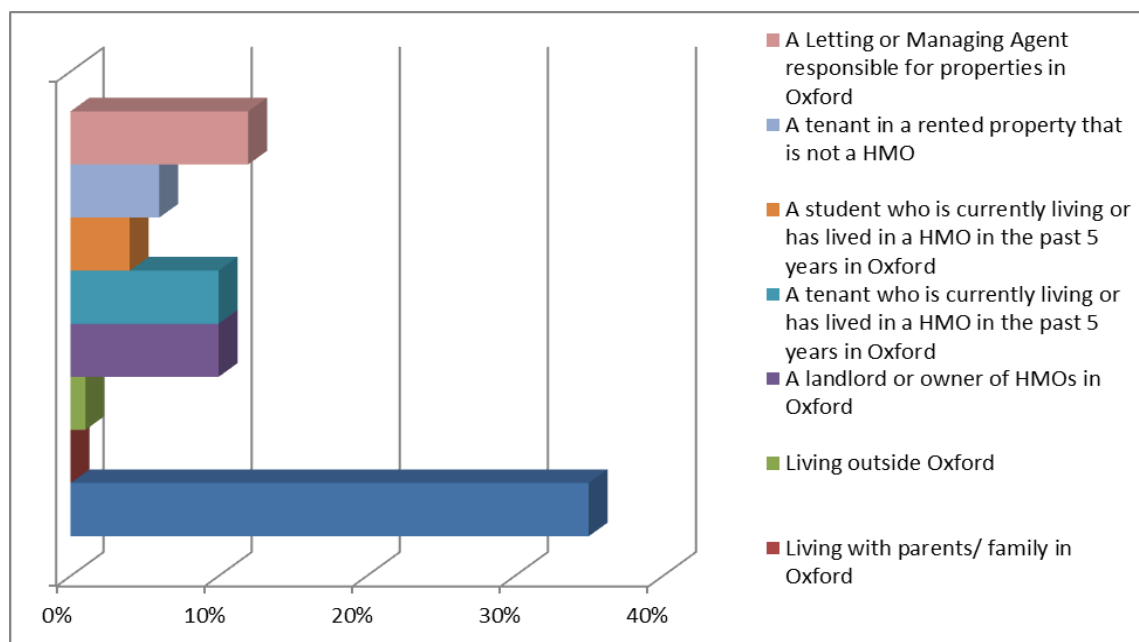
Integral to the previous category the next area of concern was to do with the poor external appearance of HMOs. This, together with the category about poorly managed refuse, resulted in the highest proportion of responses at 80% (78 respondents). Figure 23 below provides the breakdown. In this category 19% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

Figure 23 – Poor external appearance of HMOs



The breakdown of respondents in Figure 24 below shows that the majority (35%) were from home owners living in Oxford followed by letting or managing agents (11%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (9%), landlords (9%) and finally tenants of non HMOs (5%) and students (4%).

**Figure 24 – Responses by status**

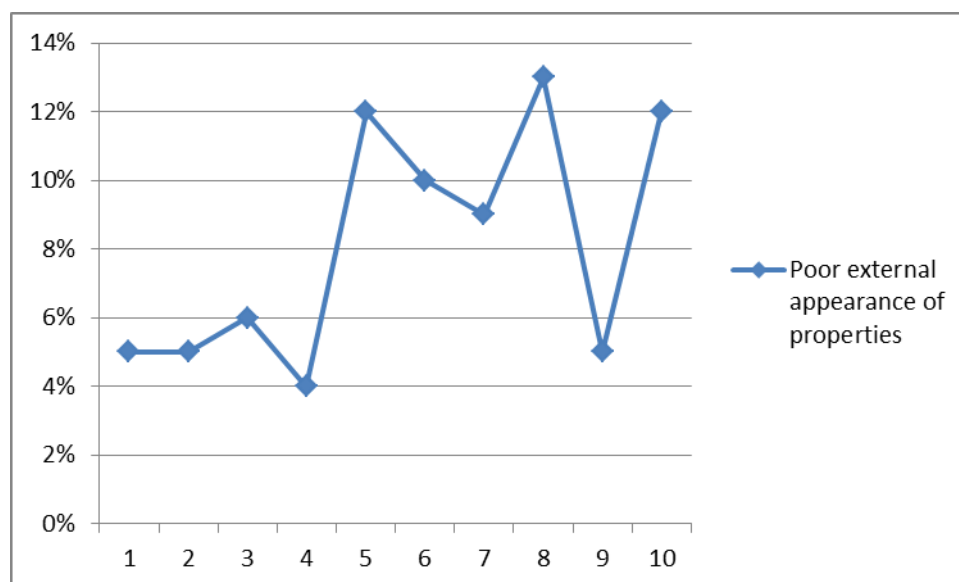


The analysis of scores from 1 to 10 is shown below in Figure 25 using the same approach as previously mentioned. As can be seen there are a number of serious concerns with the vast majority of respondents (49%) providing a score of 6 or higher.

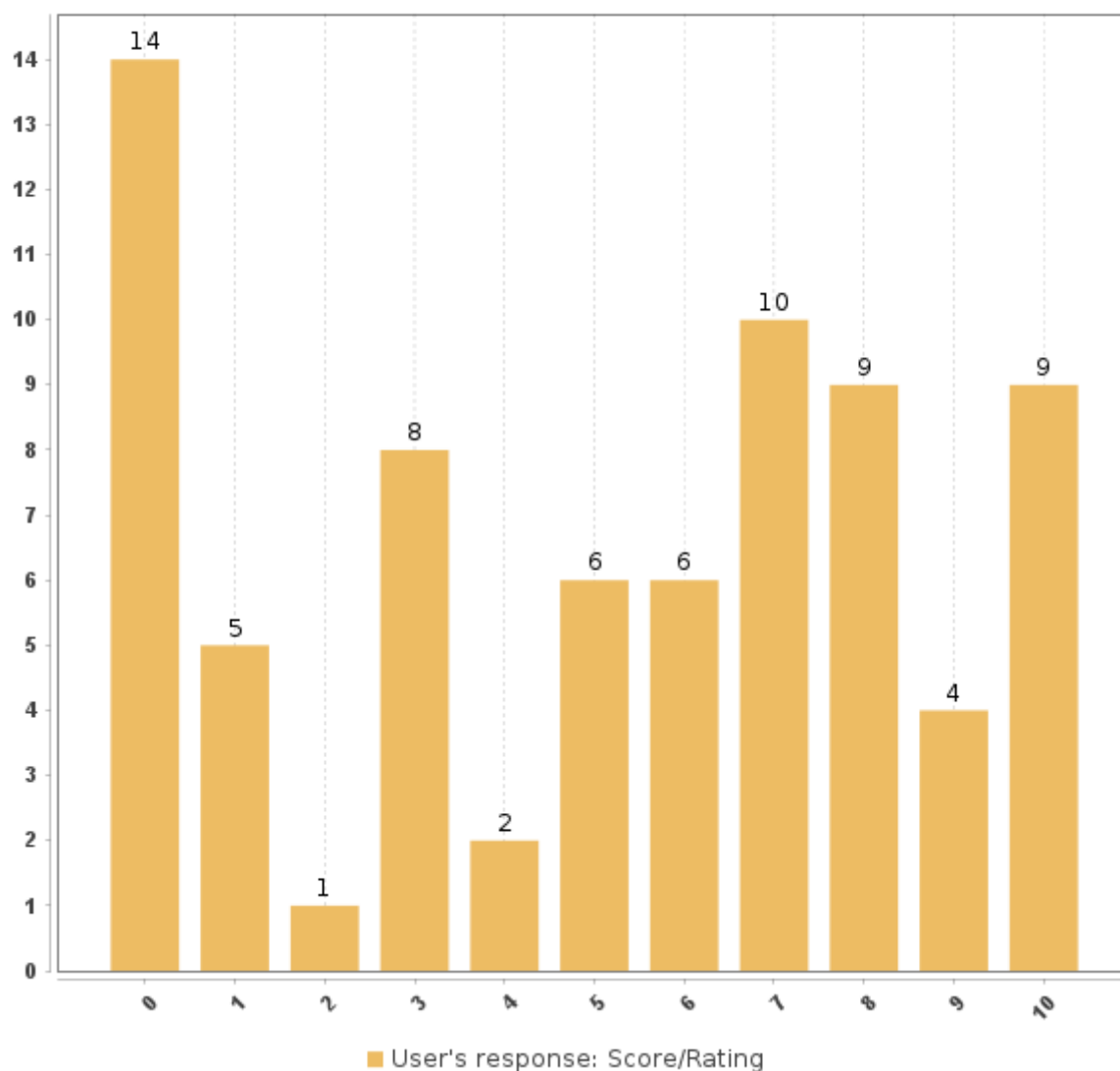
The remaining 31% provided a score of 5 or less suggesting they have less serious concerns about external appearance of HMOs. It is worth noting however, that 12% of those with less concerns scored this category as a 5.



**Figure 25 – Breakdown of scores from 1 to 10**

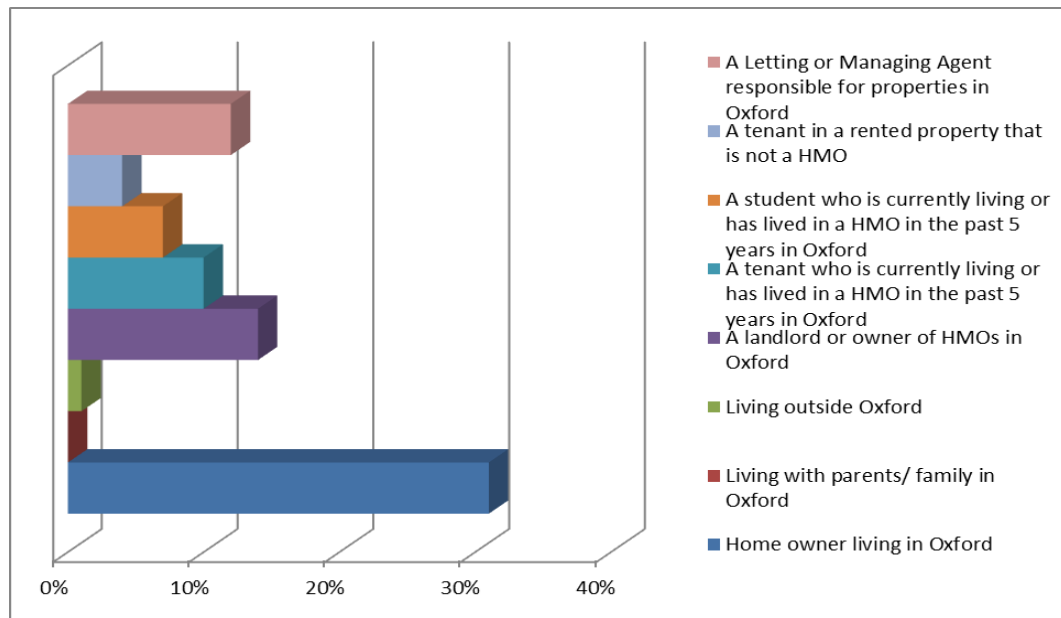


The next category related to the issue of overgrown gardens and 74 (76%) participants responded to this issue (Figure 26 below). 19% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

**Figure 26 – Overgrown gardens**

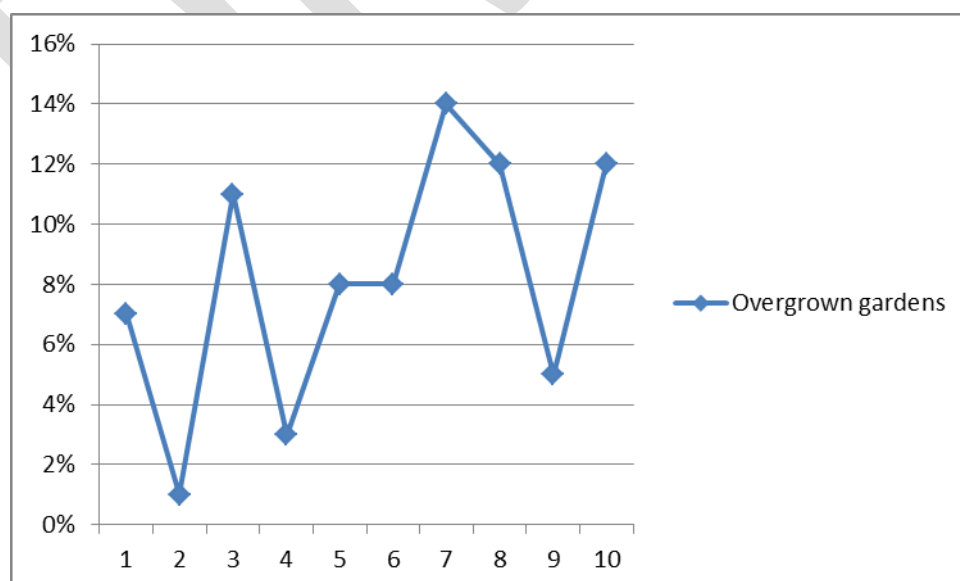
The breakdown of respondents in Figure 27 below shows that the majority (30%) were from home owners living in Oxford followed by landlords (12%), letting or managing agents (11%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (9%), and students (6%).

**Figure 27 – Responses by status – Overgrown gardens**



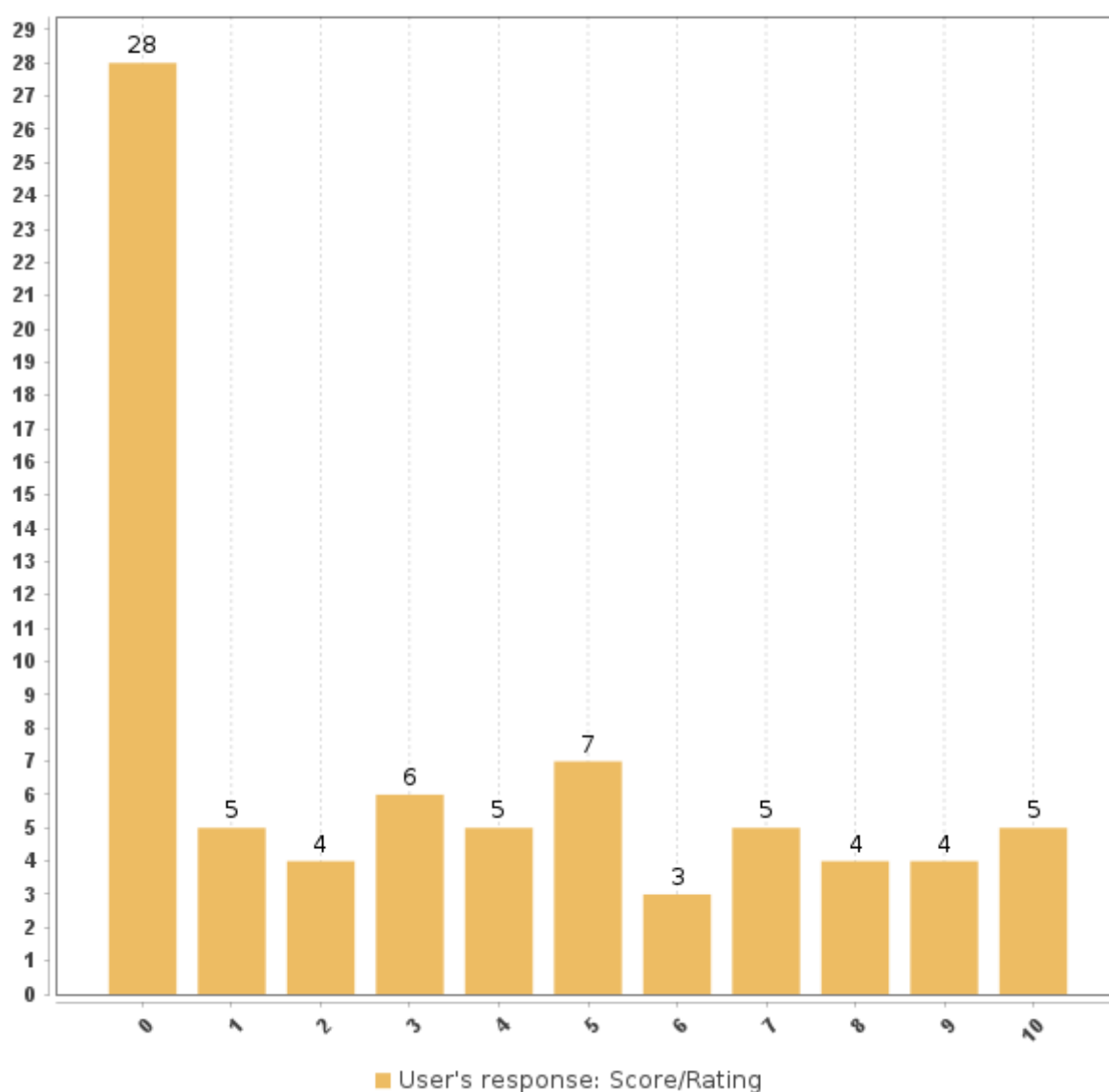
The analysis of scores from 1 to 10, shown below in Figure 28 indicates that there are a number of serious concerns with the majority of respondents (51%) providing a score of 6 or more. The remaining 31% provided a score of 5 or less suggesting they have less serious concerns about overgrown gardens in HMOs.

**Figure 28 – Breakdown of scores from 1 to 10**



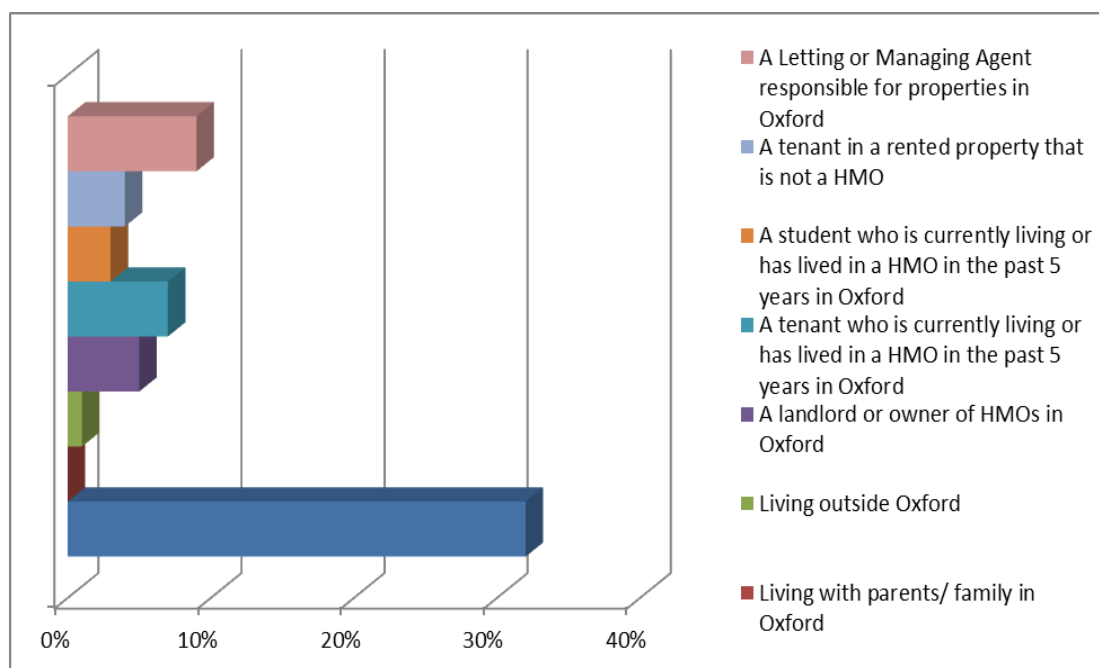
The penultimate category asked to be considered as part of this question related to the issue of nuisance and 76 (78%) participants responded to this issue (Figure 29 below). 37% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

**Figure 29 – Nuisance**



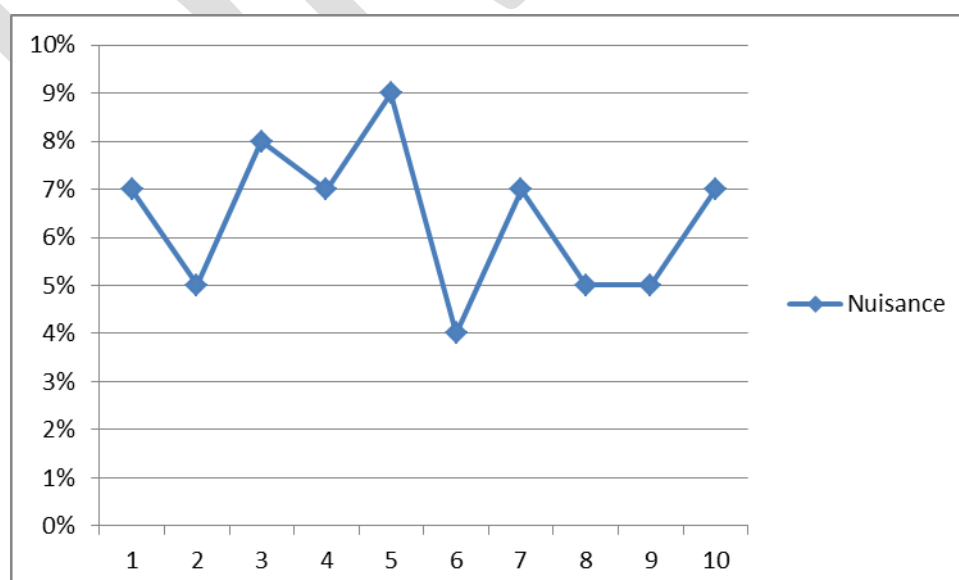
The breakdown of respondents in Figure 30 below shows that the majority (31%) were from home owners living in Oxford followed by letting or managing agents (8%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (7%), landlords (5%) and finally tenants of non HMOs (4%) and students (3%).

**Figure 30 – Responses by status - Nuisance**



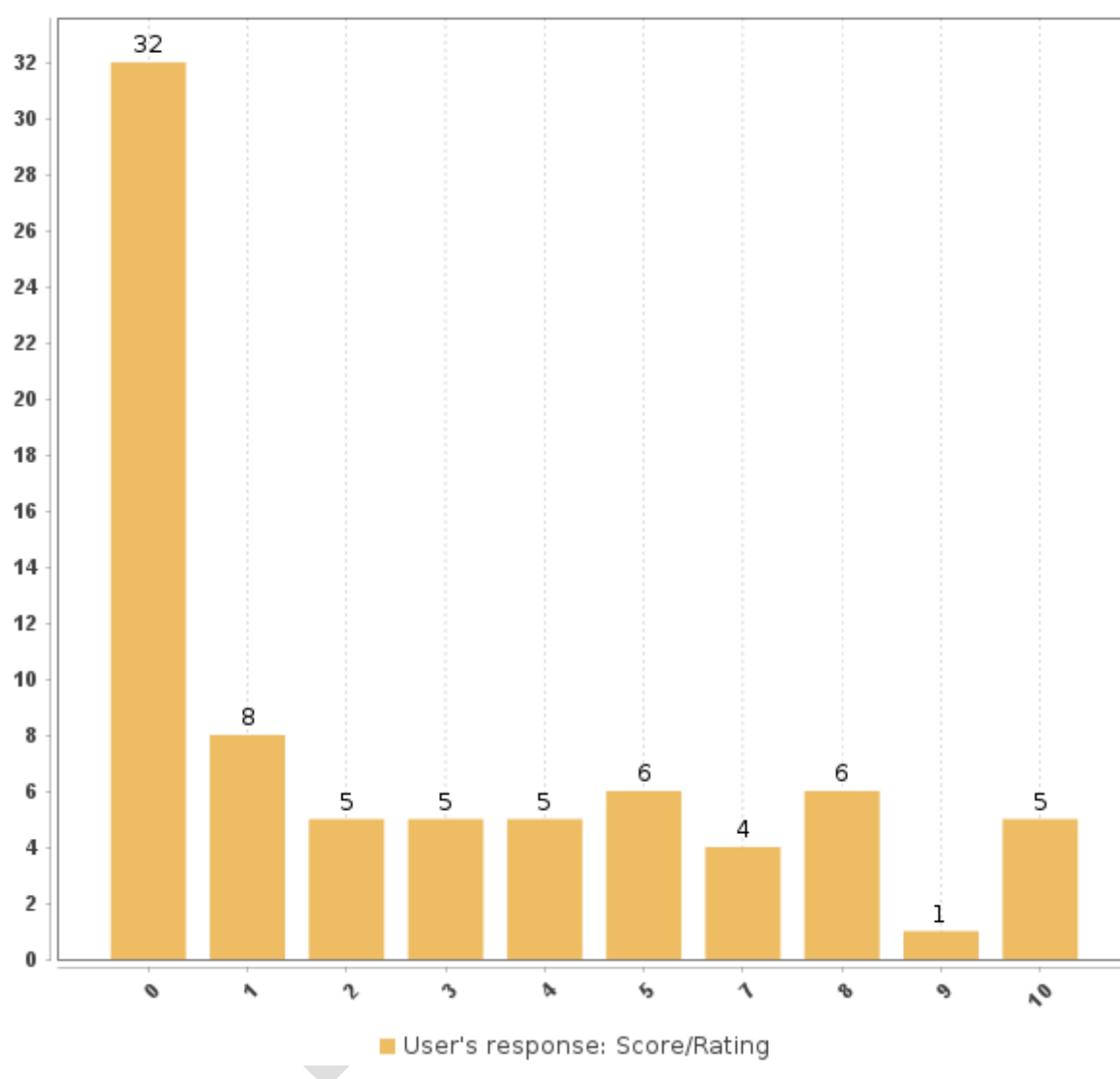
The analysis of scores from 1 to 10 is shown below in Figure 31 indicates that the highest proportion scored 5 with the overall majority of respondents (36%) providing a score of 5 or less. The remaining 28% provided a score of 6 or more suggesting they have some serious concerns regarding nuisance from HMOs.

**Figure 31 – Breakdown of scores from 1 to 10**



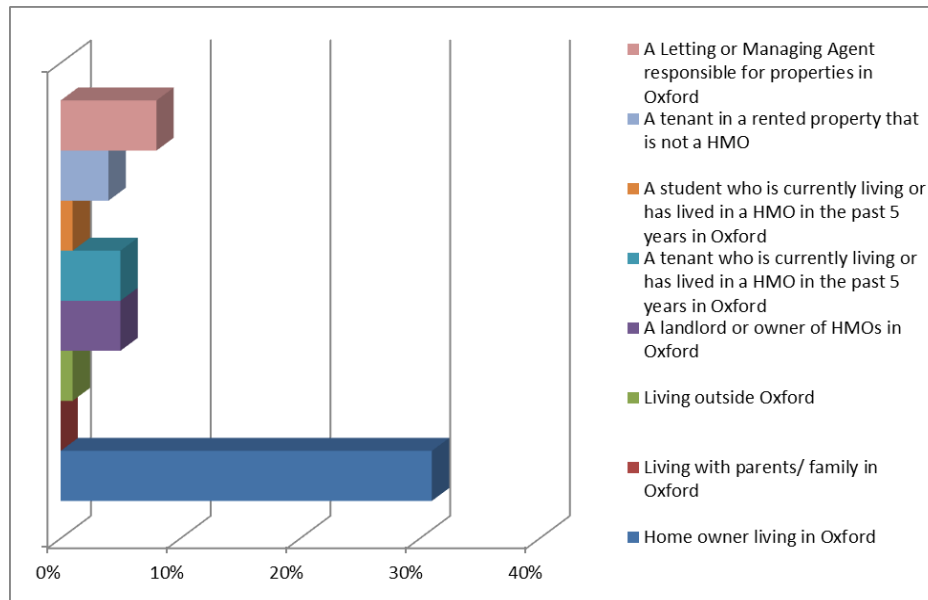
The final category in this question related to the issue of anti-social behaviour (ASB) and 77 (79%) participants responded to this issue (Figure 32 below). 42% provided a zero score suggesting that they did not have concerns with this category or that they did not wish to answer the question.

**Figure 32 – Anti-social behaviour**



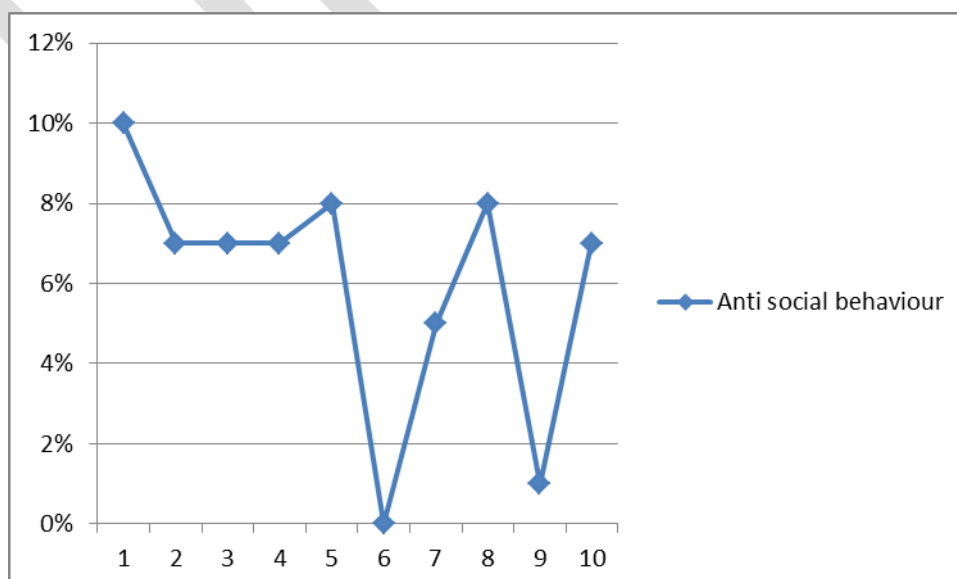
The breakdown of respondents in Figure 33 below shows that the majority were from home owners living in Oxford (30%) followed by letting or managing agents (8%), tenants who are currently living or have lived in a HMO in the past five years in Oxford (5%), landlords (5%) and finally tenants of non HMOs (4%).

**Figure 33 – Responses by status – ASB**



The analysis of scores from 1 to 10 is shown below in Figure 34 taking account of the proportion of responses where respondents indicated that there were concerns, which in this case was 58%. As can be seen the highest proportion scored 1 with the overall majority of respondents (39%) providing a score of 5 or less. The remaining 19% provided a score of 6 or more suggesting they have some serious concerns about ASB in relation to HMOs.

**Figure 34 – Breakdown of scores from 1 to 10 – ASB**



The next question, question 8, asked people to what extent do you agree or disagree with the following statements:

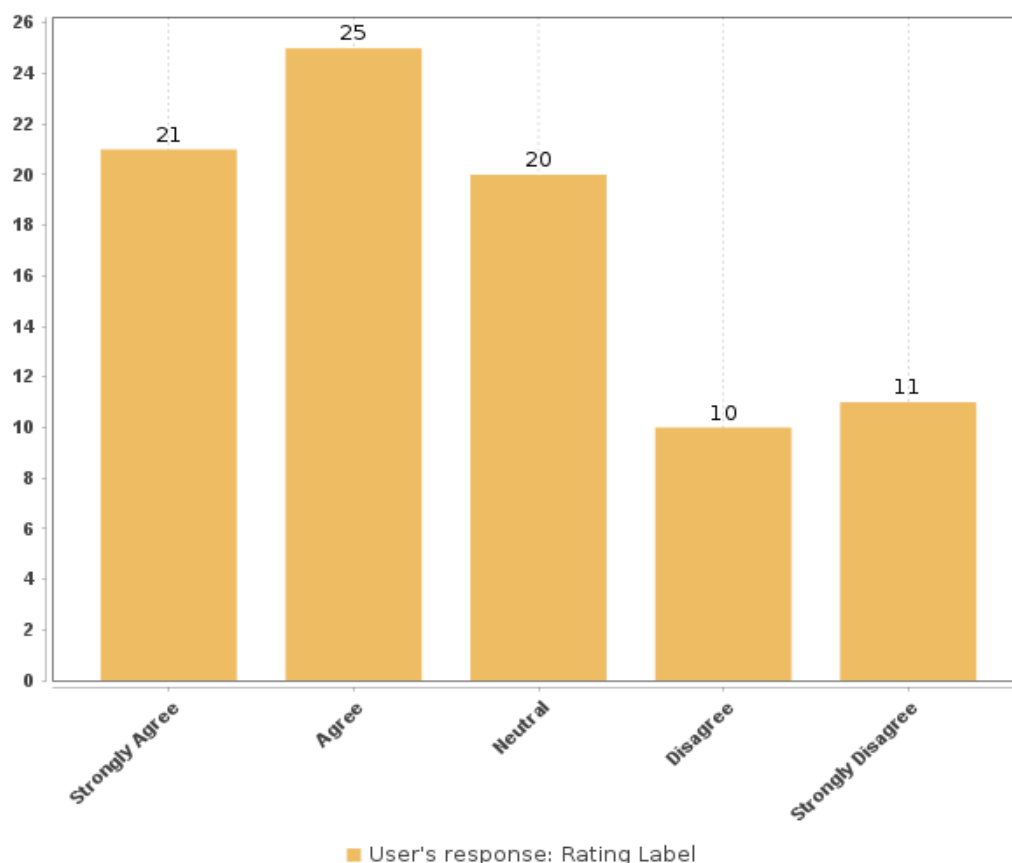
- There are poorly managed HMOs in the area of Oxford where I live
- HMOs are maintained to a good standard in the area of Oxford where I live
- Living conditions in HMOs have improved
- We don't experience any problems with HMOs in the area of Oxford where I live
- The licensing scheme has improved HMOs in the area of Oxford where I live
- The licensing has made no difference at all

Again this question was open to all stakeholders and the results provided below in Figures 35 to 42 shows the responses received to these statements on a scale from strongly agree to strongly disagree. Where possible, cross tabulation has also been carried out to show the status of respondents to take account of different views from the range of target groups.

The first category in this question asked people to indicate how strongly they agreed or disagreed with the statement that there are poorly managed in the area where they live. 87 (89%) of participants responded to this question and as can be seen from Figure 35 below 46 (53%) of respondents either strongly agreed or agreed with this statement. 23% of respondents provided a neutral response and 24% either disagreed or strongly disagreed.



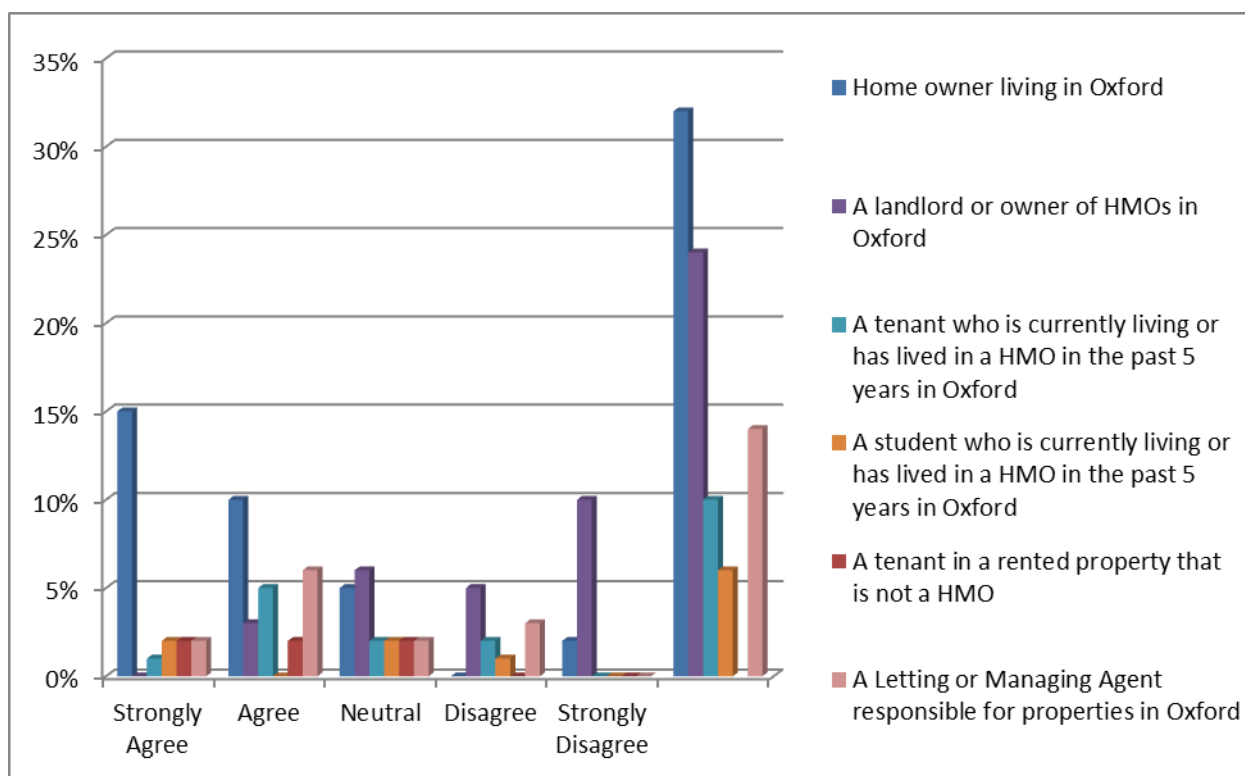
Figure 35 – Poorly managed HMOs in area



The majority of responses to this statement were made by Home owners living in Oxford (32%). Landlords also made a significant proportion of respondents (24%) followed by Letting/Managing Agents (14%) and to a lesser extent Tenants living in HMOs (9%) and finally students (6%). Figure 36 below.

Not surprisingly there is a difference of opinion about this statement with around 10% of landlords strongly disagreeing to almost 15% of home owners strongly agreeing. Letting agents and tenants also agree with this statement (7% and 4% respectively). Around 3% of landlords also agree that there are poorly managed HMO in Oxford.

**Figure 36 – Poorly Managed HMOs by Status**



The next statement sought views from people on how strongly they agreed or disagreed that HMOs are maintained to a good standard in the area where they live.

86% of participants responded to this with 35% indicating that they either strongly agreed or agreed with this statement. A large proportion of respondents (33%) responded with a neutral answer whilst 31% indicated that they either strongly disagreed or disagreed that HMOs are maintained to a good standard in their area. The full set of results can be seen in Figure 37 below.

Figure 37 – HMOs maintained to good standard in area

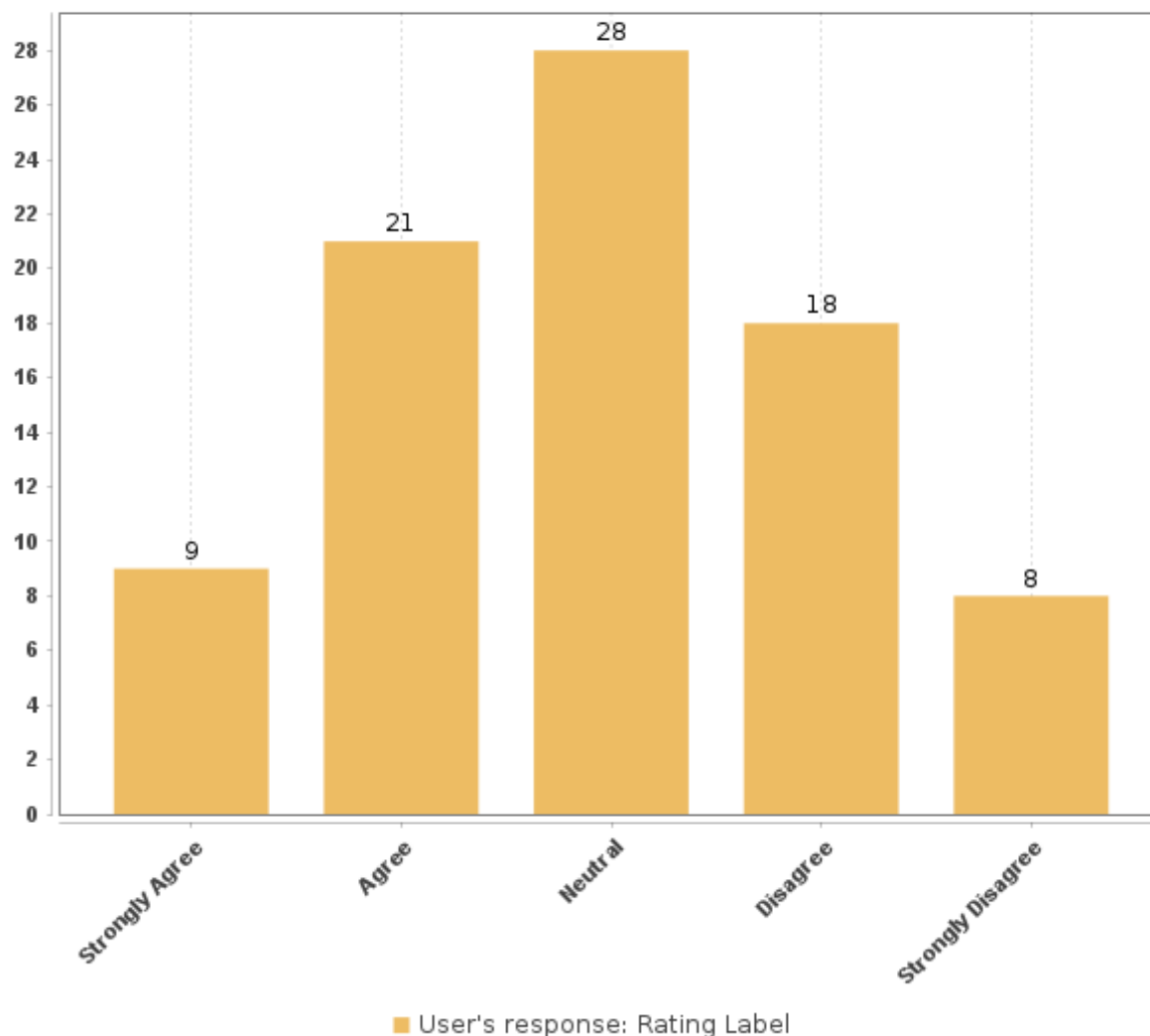
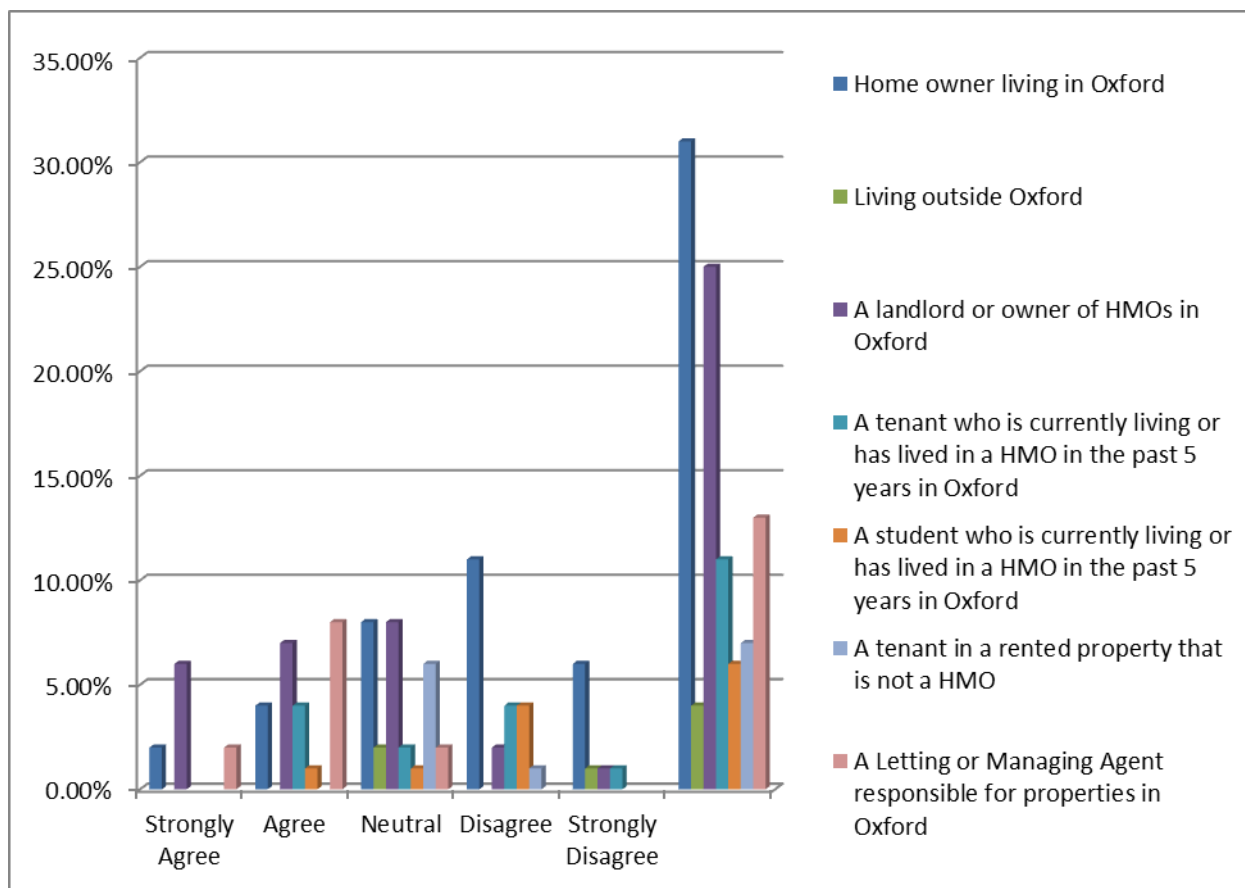
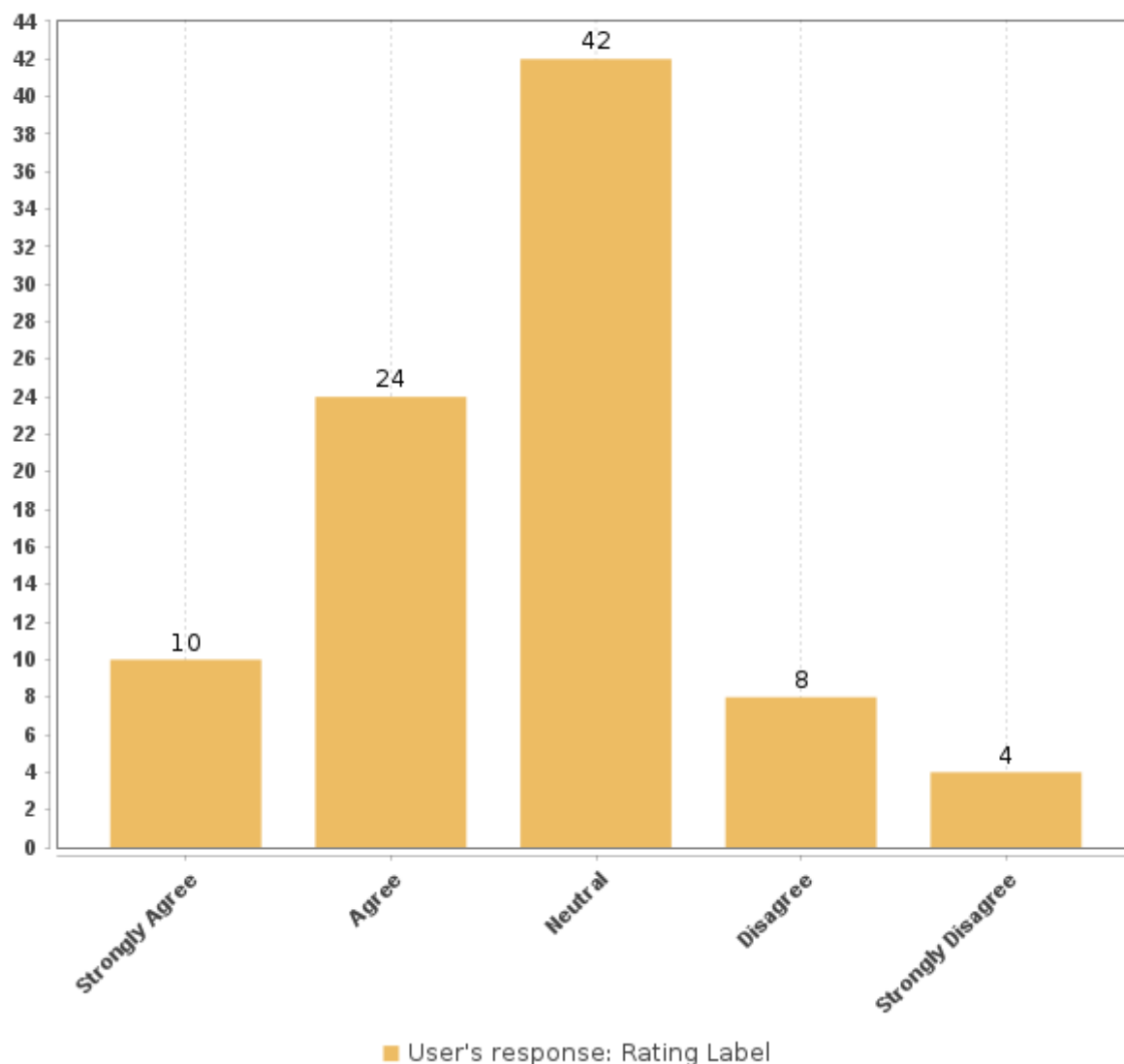


Figure 38 below provides the breakdown of responses to this statement by status. As can be seen there is a similar difference of opinion to that encountered with the previous statement, in that home owners strongly disagree or disagree with this statement whereas landlords either strongly agree or agree. In this instance, agents also agree with this statement, however there are also a large proportion of landlords and home owners who responded with neither agree or disagree.

**Figure 38 – Responses to HMOs maintained to good standard by status**



The next statement to be considered was that of whether there was agreement or disagreement that living conditions in HMOs had improved. The results in Figure 39 below show that 90% of participants responded to this question and 39% either strongly agreed or agreed. The majority of respondents (48%) provided a neutral response to this question and 14% either strongly disagreed or disagreed that living conditions had improved.

**Figure 39 – Living conditions have improved**

Participants were asked to indicate if they agreed or disagreed that there were no problems in their area with HMOs. Figure 40 suggests that out of the 86 (89%) of respondents 36% either strongly disagreed or disagreed with this statement. A further 35% returned a neutral answer with 29% agreeing or strongly agreeing that there were no problems with HMOs in their area.

Figure 40 – No problems in area

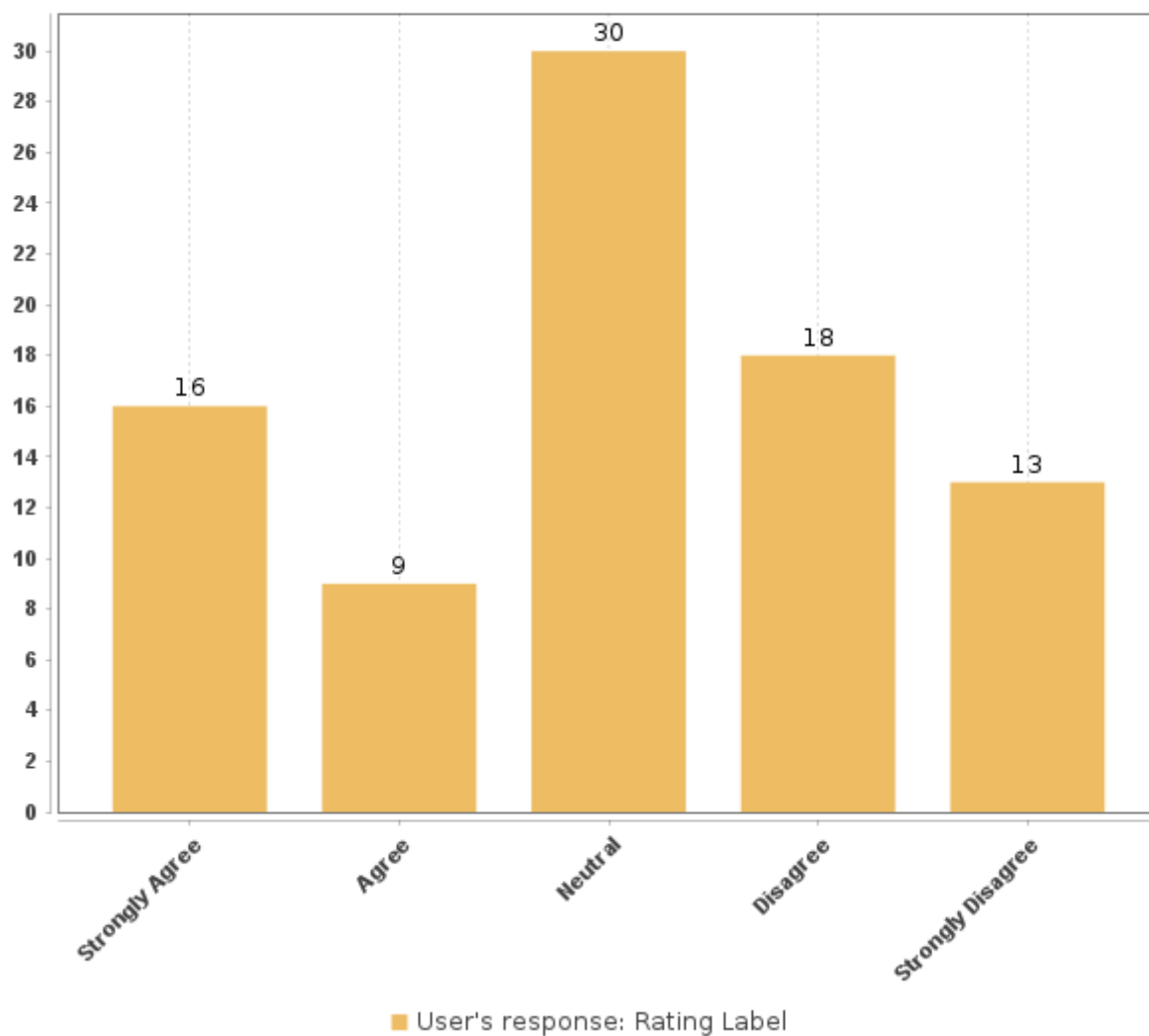
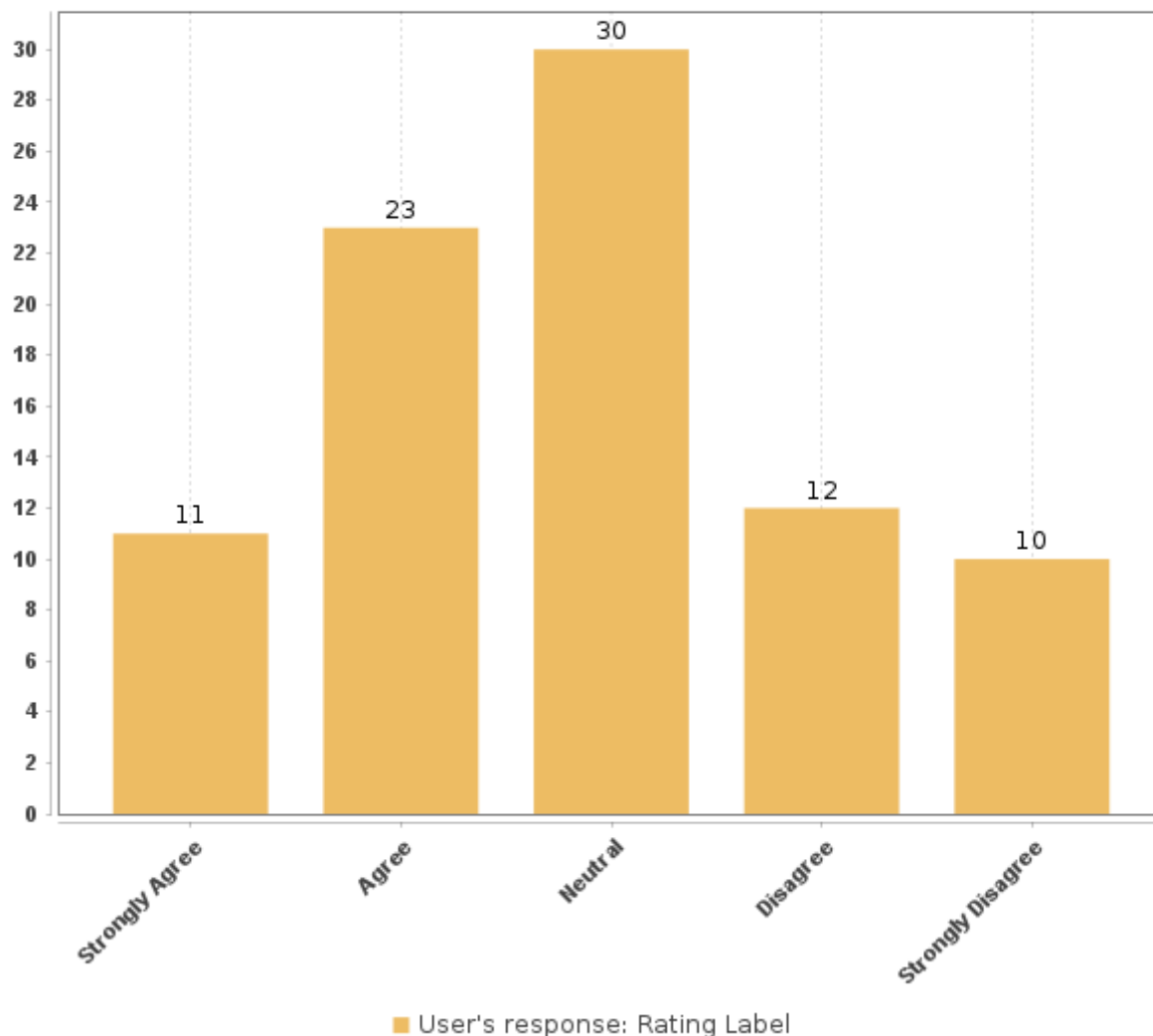


Figure 41 below provides the numbers of responses made on the next statement. As can be seen 86 (89%) of people responded to this statement. 40% agreed or strongly agreed that the scheme has improved HMOs in their area. Conversely 26% either disagreed or strongly disagreed with 35% returning a neutral answer.

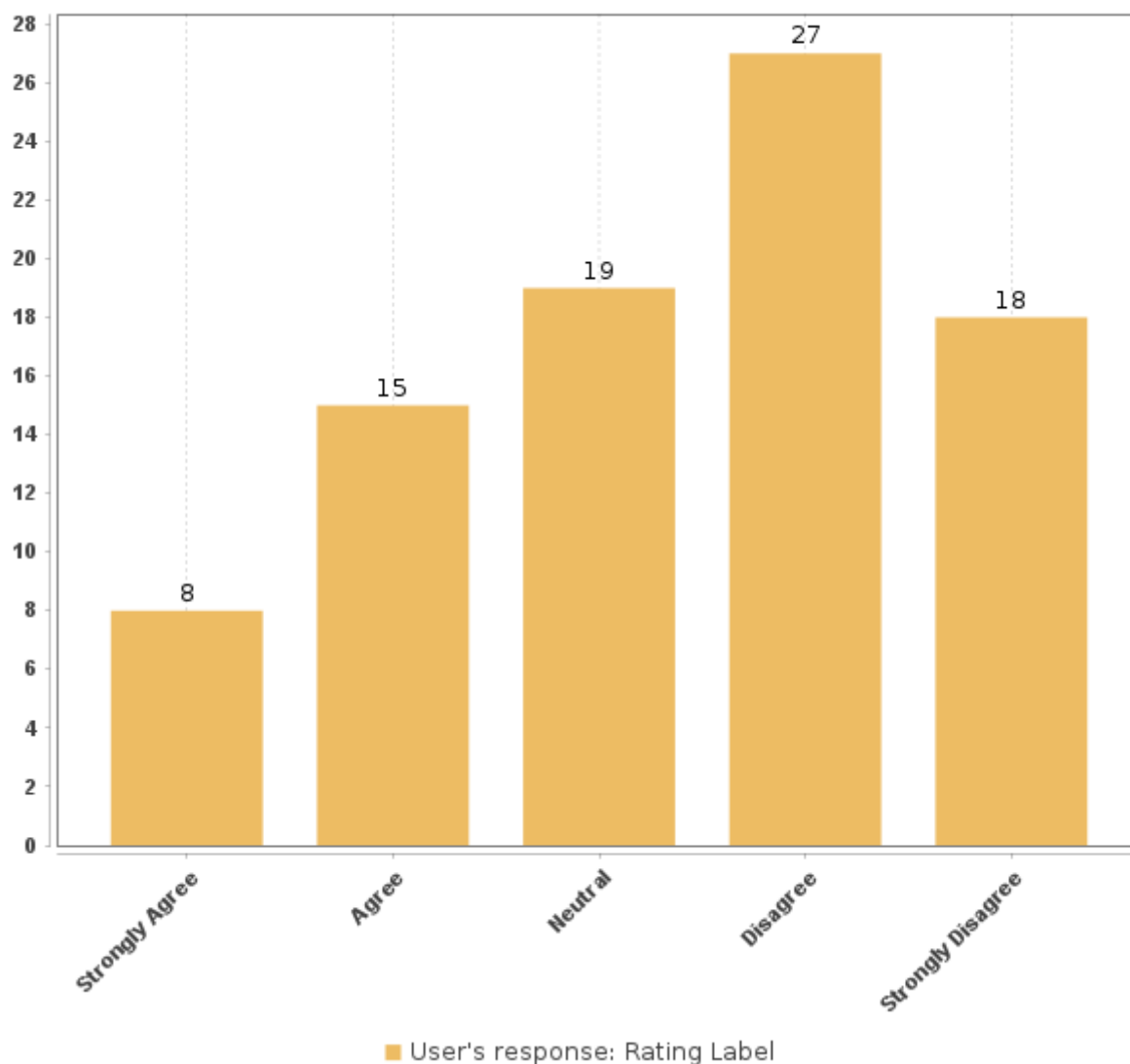
**Figure 41 – Licensing scheme has improved HMOs in area**



The final statement participants were asked to indicate if they agreed or disagreed with was has licensing made no difference at all.

Figure 42 below provides the findings and shows that out of the 87 (90%) of respondents 52% either strongly disagreed or disagreed with this statement. A further 22% returned a neutral answer with 26% agreeing or strongly agreeing that licensing had made no difference at all.

**Figure 42 – Licensing has made no difference**

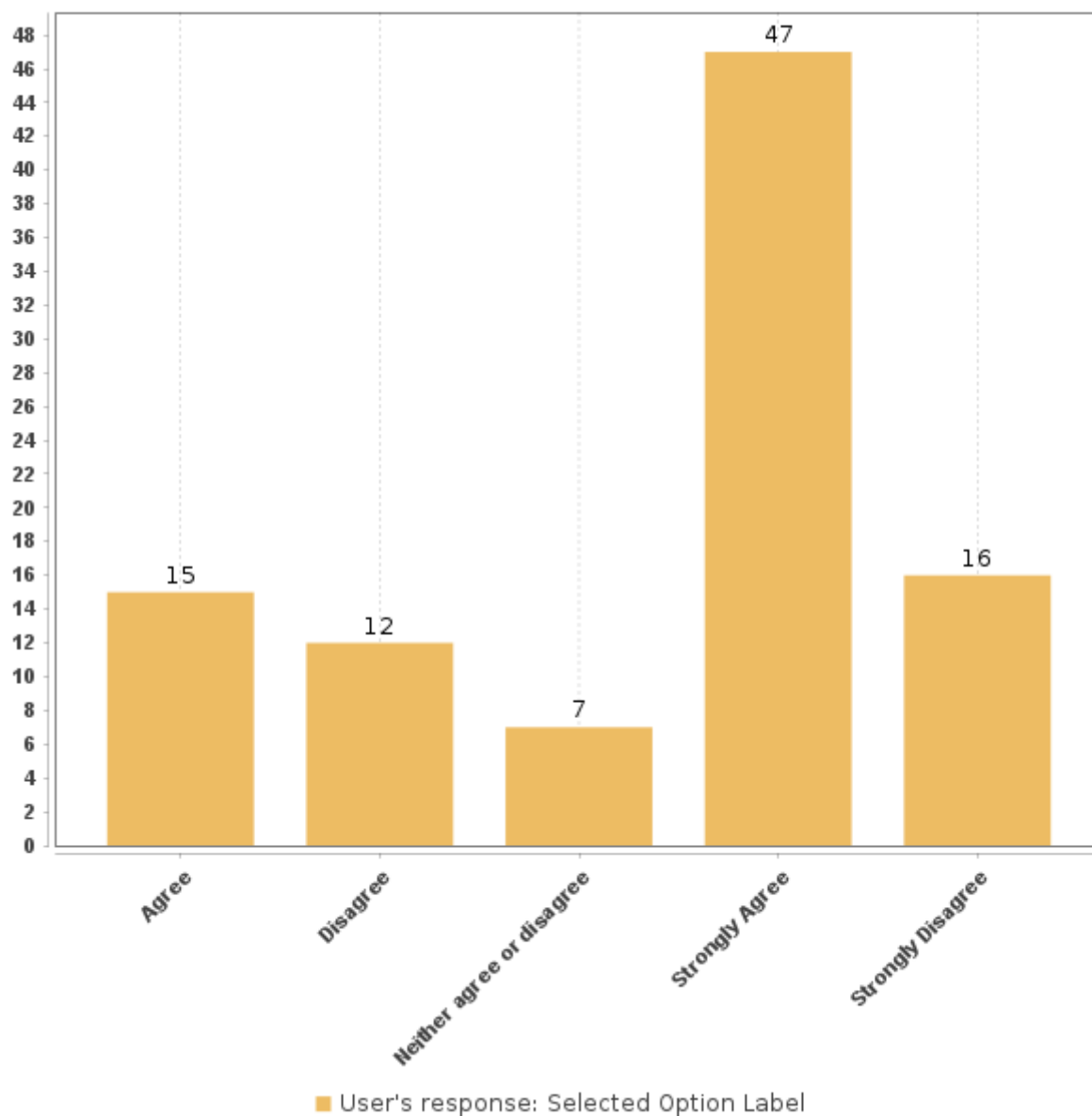


The last two questions, questions 9 and 10 were linked to each other. Question 9 asked people to indicate how strongly they agreed or disagreed with the proposal to renew the licensing scheme for a further 5 years. 97 (100%) of participants responded to this question and the results are shown below in Figure 43.

49% of respondents strongly agreed and 17% strongly disagreed with this proposal. Out of the other two possible ratings 16% agreed and 12% disagreed with the proposal. 7% neither agreed nor disagreed. Overall this would suggest that there is overwhelming support to renew the scheme for a further 5 years with 65% either strongly agreeing or agreeing compared to 29% strongly disagreeing or disagreeing.



Figure 43 – Renew the licensing scheme for a further 5 years



The final question was a follow on one for respondents to consider if they had either strongly disagreed or disagreed with the proposal to renew the licensing scheme for a further 5 years in question 9.

It asked people to indicate which of the following applies.

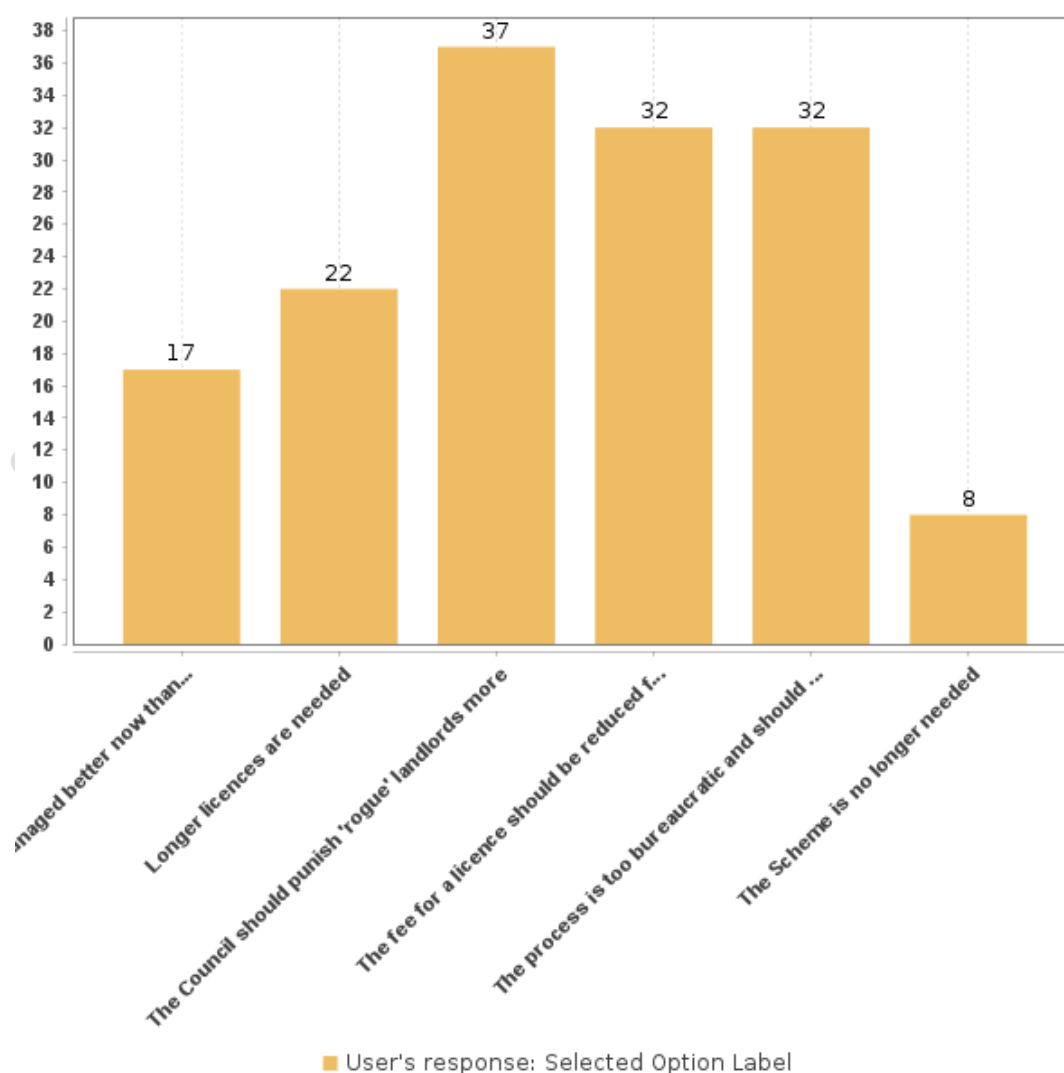
- The scheme is no longer needed
- HMOs in Oxford are managed better now than 5 years ago

- Longer licences are needed
- The fee for a licence should be reduced for compliant landlords
- The process is too bureaucratic and should be simplified
- The Council should punish 'rogue' landlords more

The results are shown in Figure 44 below.

The responses clearly indicate that the three key areas are that the Council should punish rogue landlords more, reduced licence fees for compliant landlords and simplify the system. They represent a larger proportion of responses than those who strongly disagreed or disagreed but provide a clear steer for areas of concern.

**Figure 44 – Applicable categories**

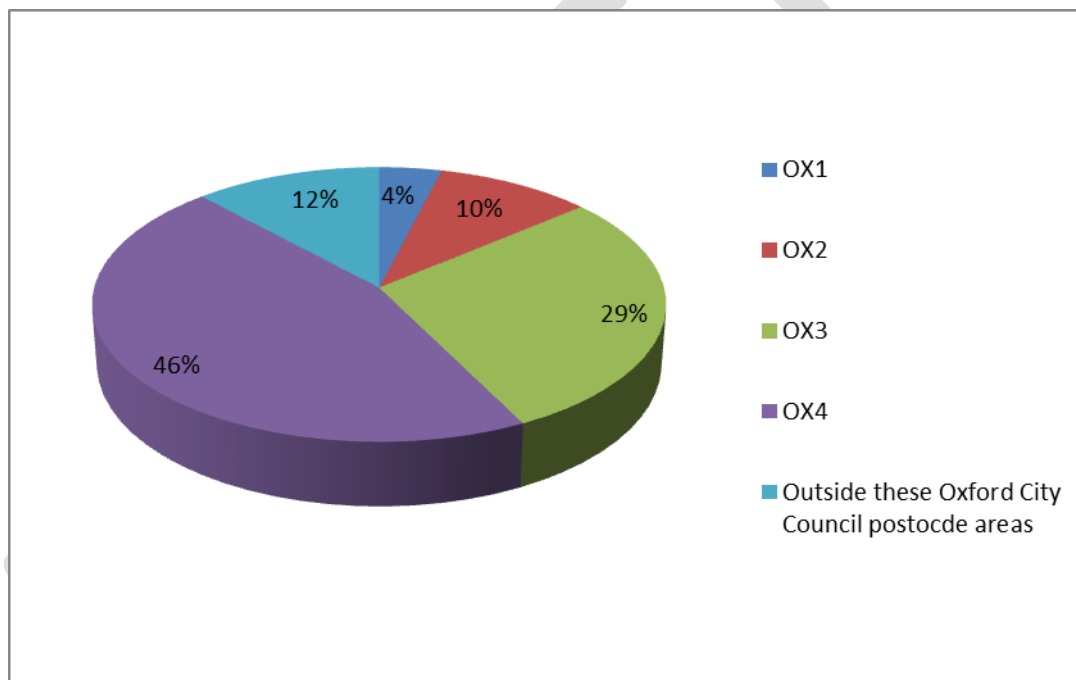


### **Road show Results**

In addition to the online questionnaire a series of road shows were held where members of the public were asked to answer the same questions. The responses provided below are based on 112 paper questionnaires that were completed on a face to face basis in the different parts of the City indicated in Table 2.

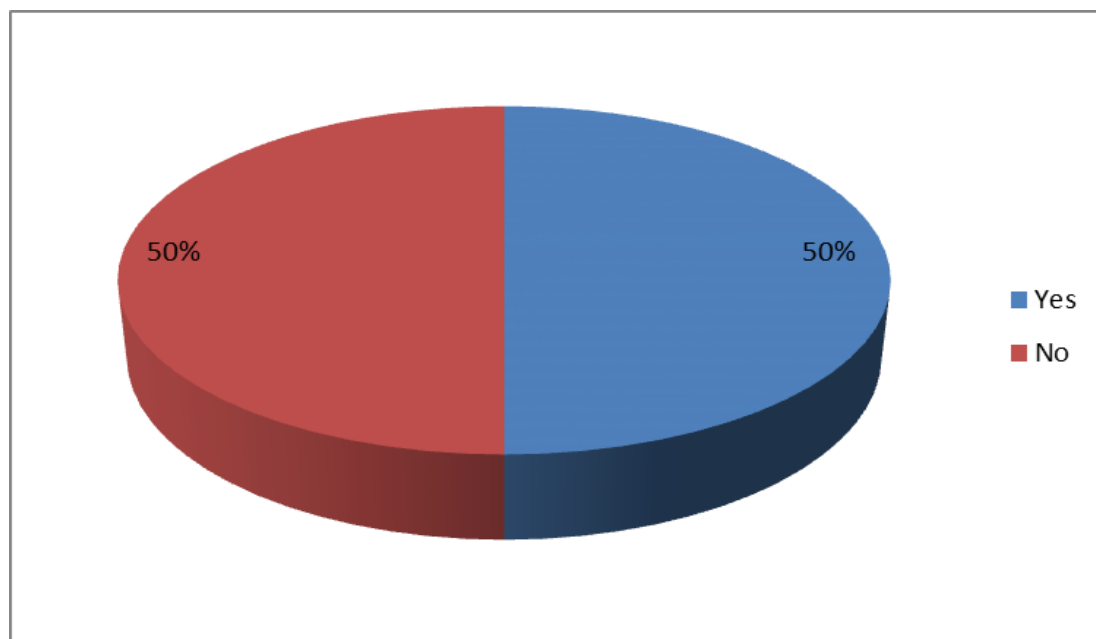
Figure 45 below provides the results of responses by postcode and shows that a large proportion came from the OX4 and OX3 areas.

**Figure 45 – Responses by Postcode**



In terms of knowledge of the scheme it appears that less people were aware of the existence of the scheme than those who completed the online questionnaire with a 50% split being reported in Figure 46 below.

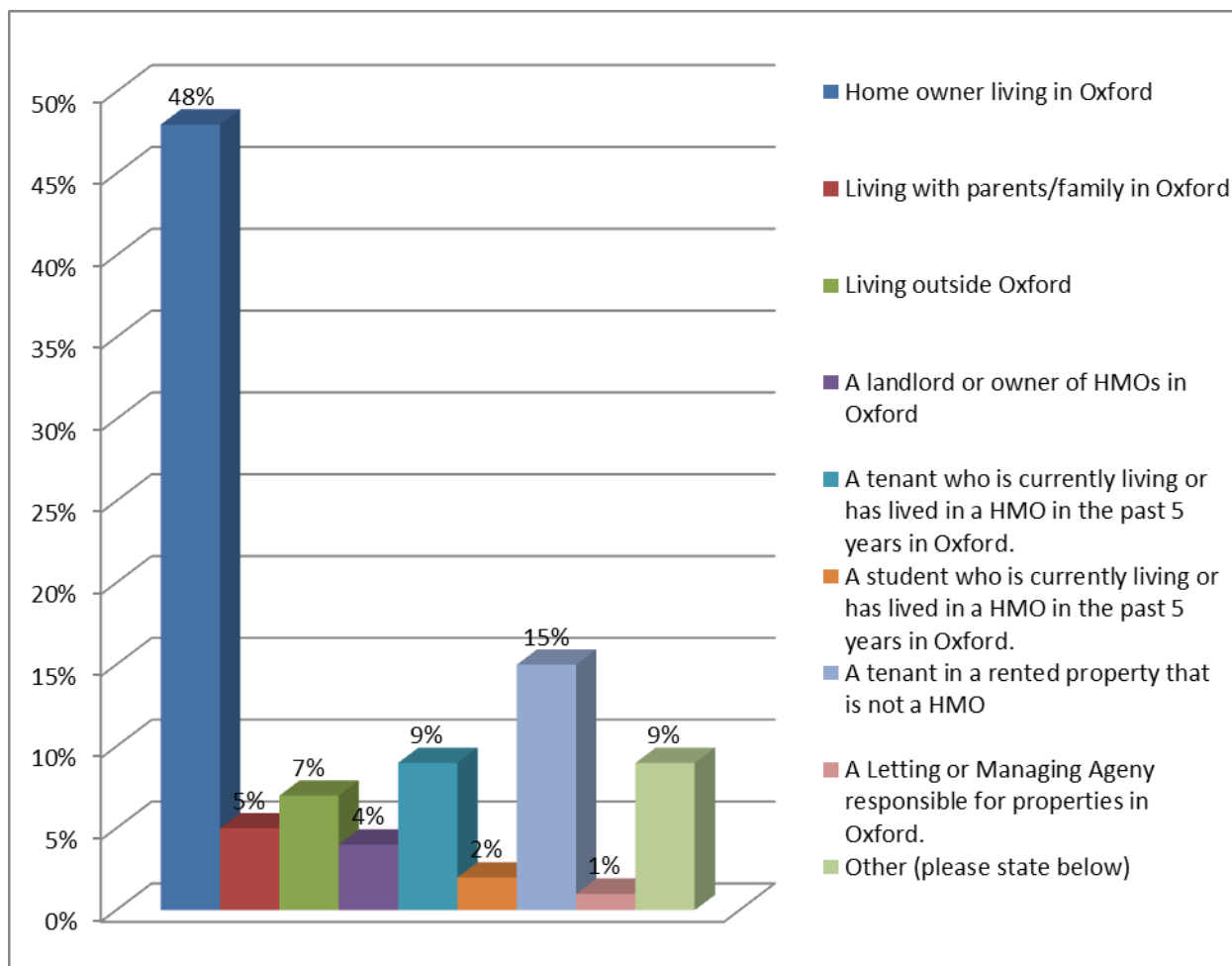
**Figure 46 – Knowledge of Scheme**



Analysis of the response received regarding status of the people responding is provided in Figure 47 below which shows that 48% were homeowners living in Oxford, 15% tenants living in non HMOs, 9% tenants living in HMOs and other, 7% living outside the City, 5% living with parents in Oxford, 4% landlords, 2% students and 1% letting/managing agents.

These results are not surprising given that most of the road shows were held in public places where there is likely to be a higher proportion of residents. The vast majority of people who indicated they fell within the status of other were found to be landlords who also owned/managed HMOs in Oxford.

**Figure 47 – Status**



The next set of questions related to people providing personal experience of a number of problems associated with HMOs.

Figure 48 provides the responses from those people who have lived or currently live in HMOs in Oxford. The result show that the biggest problems were those relating to difficulties getting repairs done, lack of contact with the landlord/agent, deposit issues and fear of reporting repairs for being evicted.

**Figure 48 – Problems experienced by occupiers of HMOs**

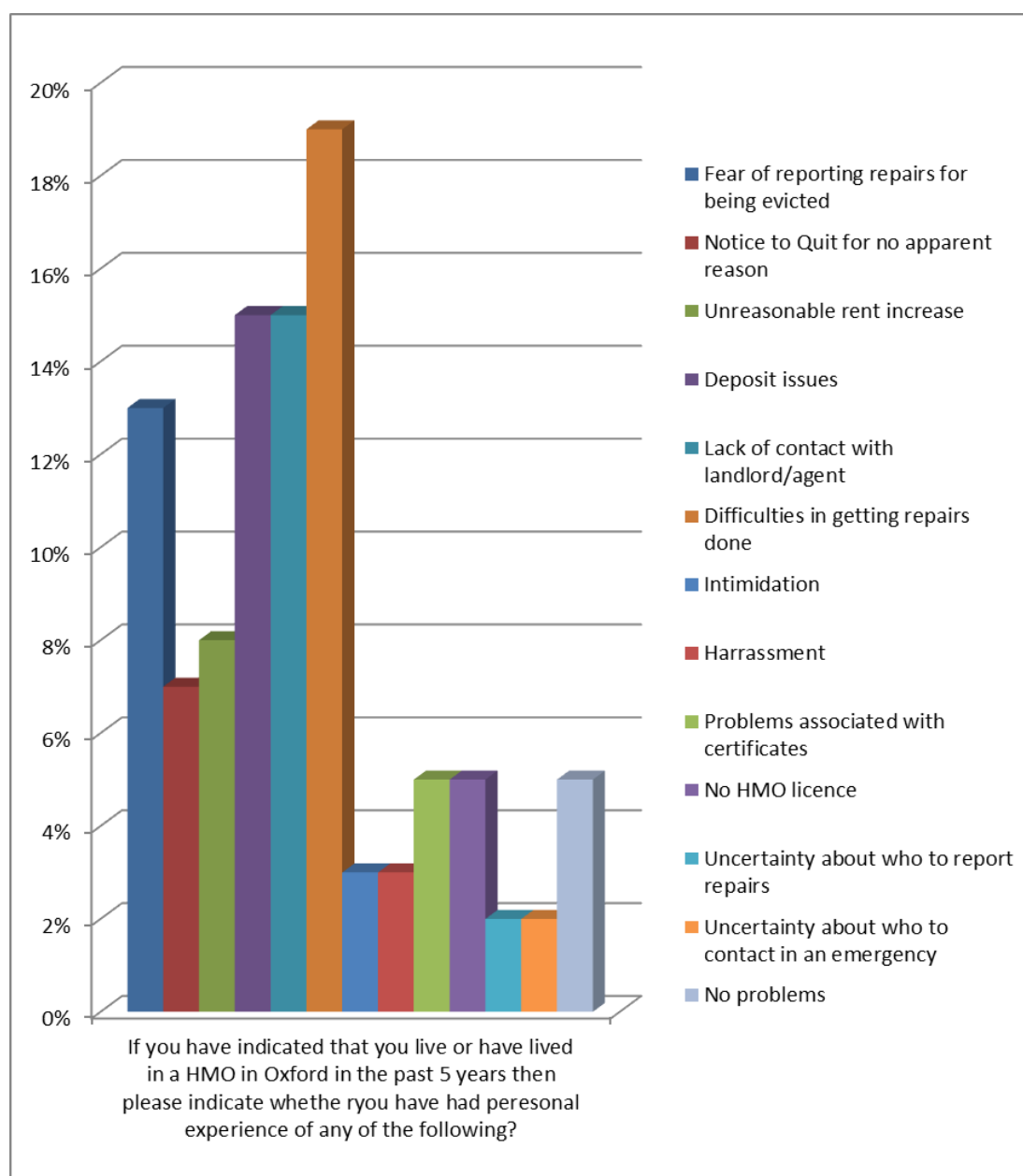
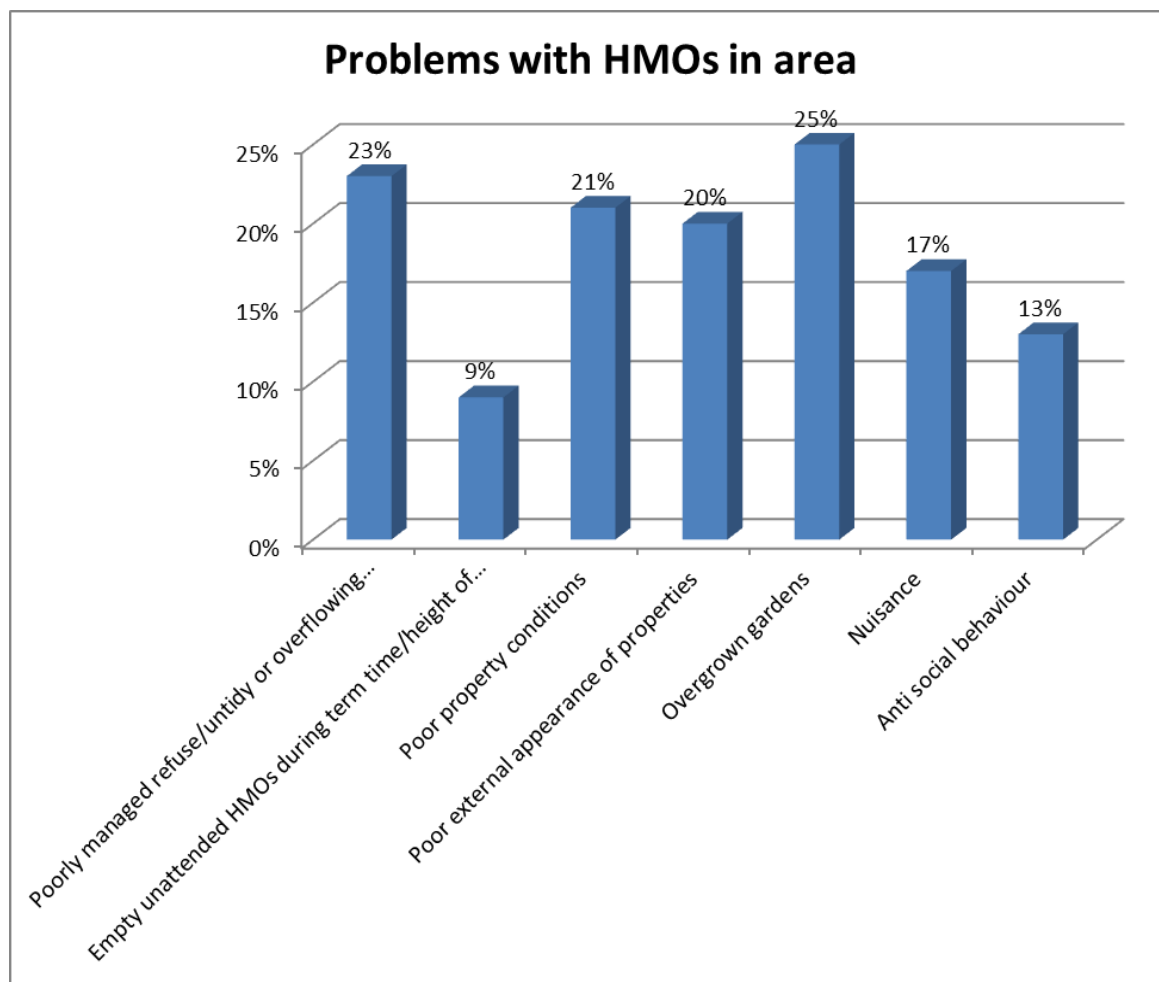


Figure 49 provides the overall responses given for the various statements regarding problems with HMOs in the area where people live. As can be seen the biggest areas for concern were those relating to overgrown gardens, poorly managed refuse, and poor internal and external property conditions.

Figure 49 – Problems with HMOs in area



As previously mentioned in the analysis of the results from the online questionnaires a series of statements were put to people to indicate if they strongly agreed or disagreed. These were considered by people responding to the questions as part of the road shows and the results are shown in the following figures.

Figure 50 below suggests that there are problems with poorly managed HMOs in Oxford with 41% of people either strongly agreeing or agreeing with this statement compared to 26% strongly disagreeing or disagreeing.

**Figure 50 – Problems with Poorly Managed HMOs**

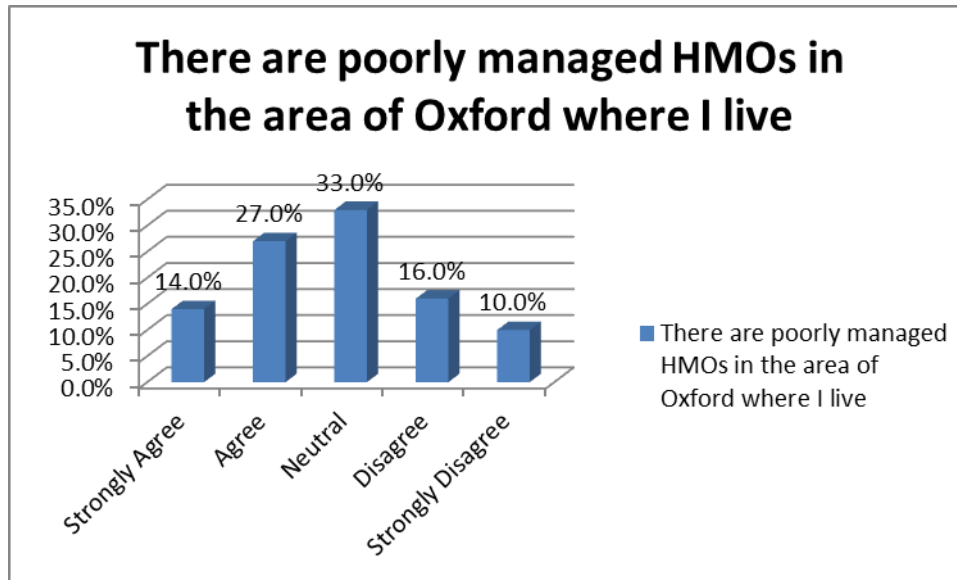
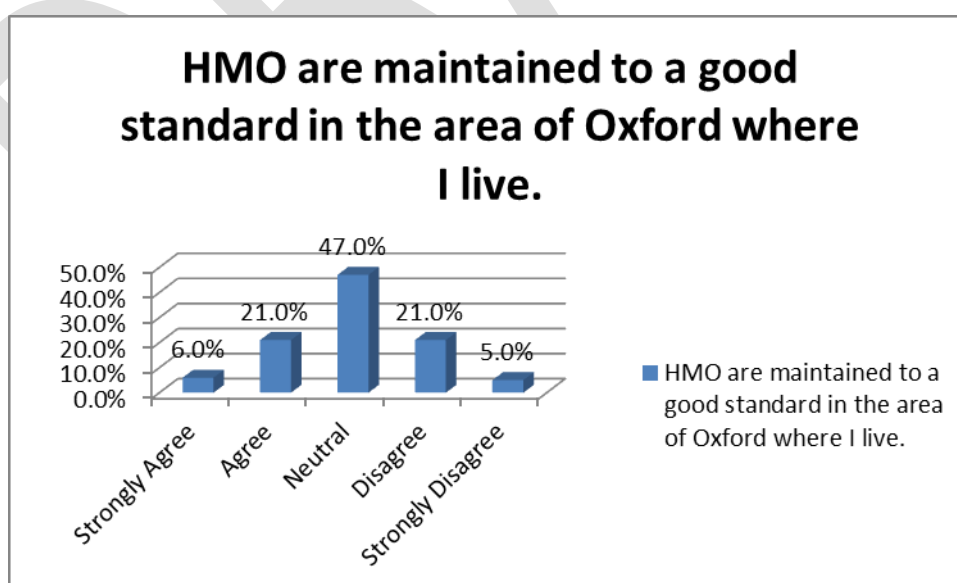


Figure 51 below provides the results to the statement of whether HMOs are maintained to a good standard in the area of Oxford where someone responding lives and clearly shows there are mixed opinions with 27% strongly agreeing and agreeing and 26% strongly disagreeing and disagreeing. 47% of people also provided a neither agree or disagree response.

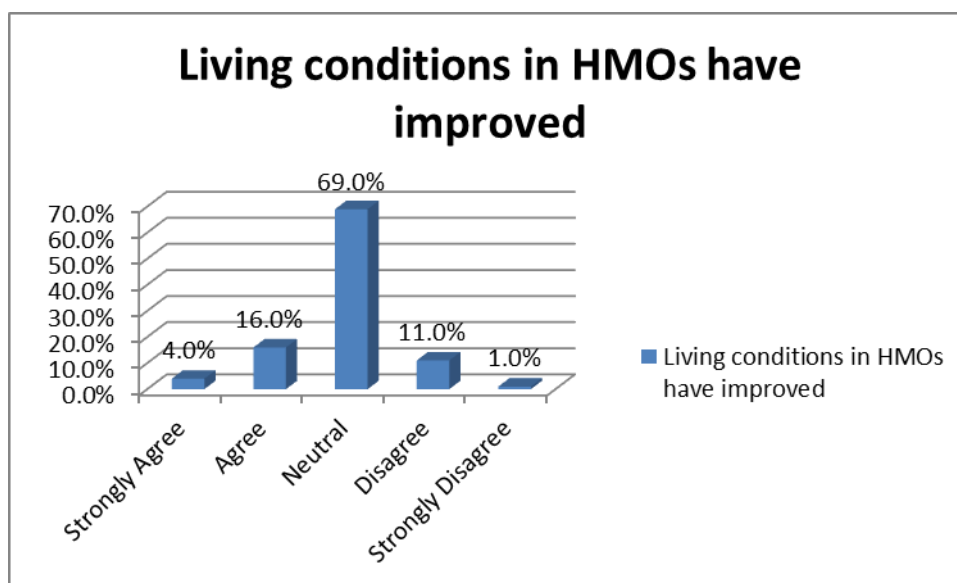
**Figure 51 – HMO maintained to a good standard**





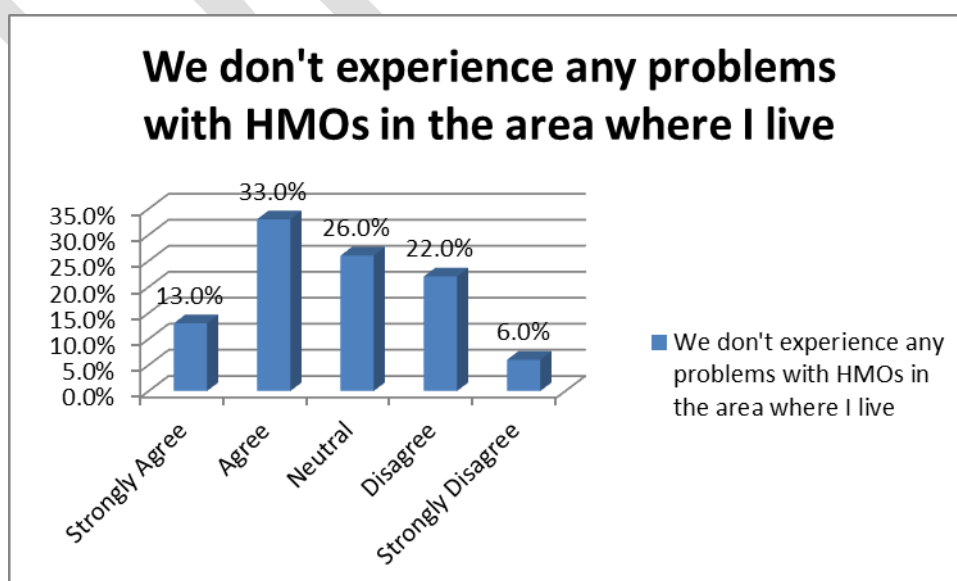
The next statement put to people was whether or not living conditions in HMOs had improved. The results are shown in Figure 52 below and indicate that 20% of people thought they had and 12% did not. A large proportion (69%) neither agreed nor disagreed with this statement.

**Figure 52 – Living Conditions in HMOs have improved**



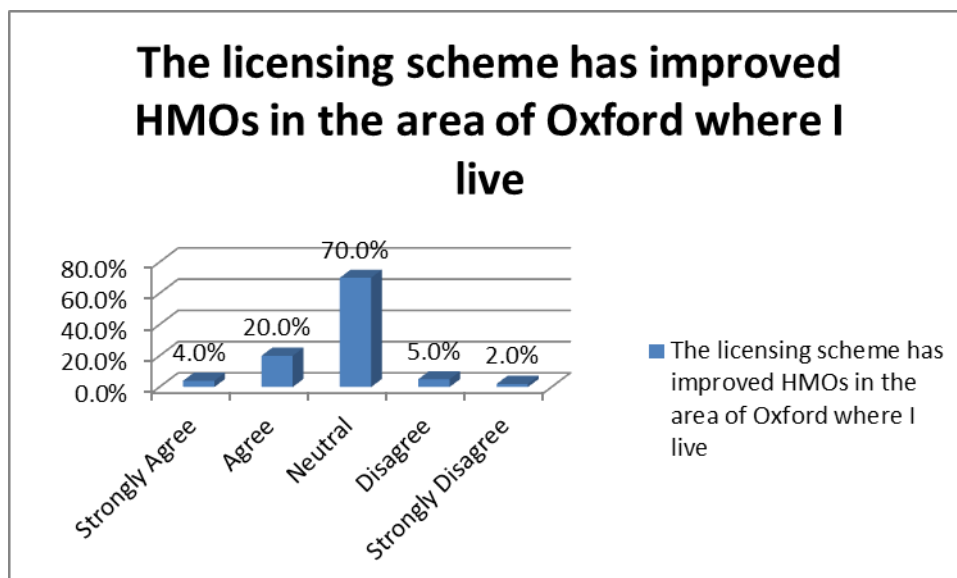
The statement 2 we don't experience any problems with HMOs in the area where I live was next to be considered and again the results were varied. 46% of respondents thought that were no problems with HMOs and 28% thought there were by wither strongly disagreeing or disagreeing to this statement. 26% of respondents neither agreed or disagreed. Figure 53 below provides.

**Figure 53 – No problems with HMOs**



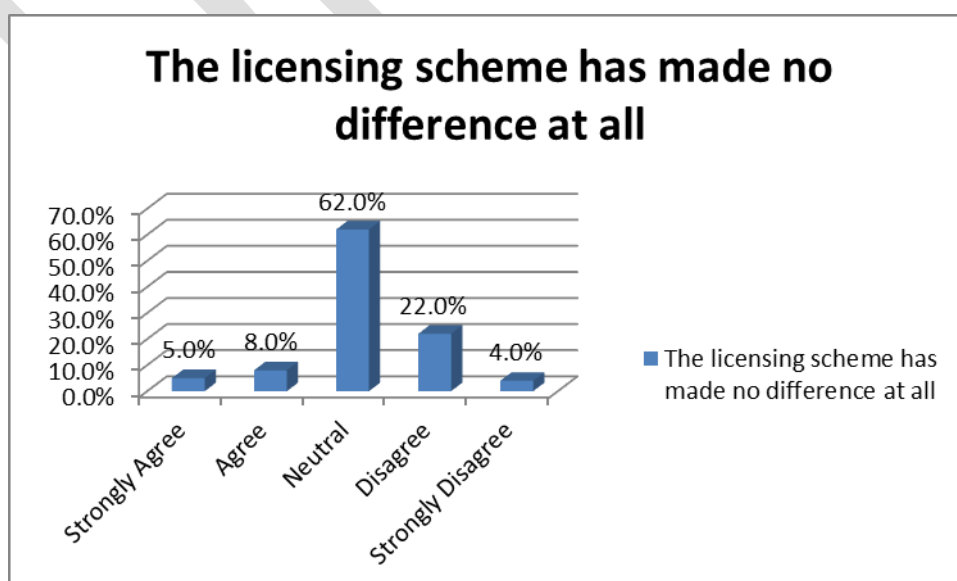
Continuing with the series of statements the net put to respondents was the licensing scheme has improved HMOs in the area of Oxford where I live. Figure 54 clearly shows that large proportion of people (70%) neither agreed or disagreed with this statement. The majority outside of the neutral response agreed that the shemes had improved HMOs (24%) whilst 7% thought that it hadn't.

**Figure 54 – The licensing scheme has improved HMOs**



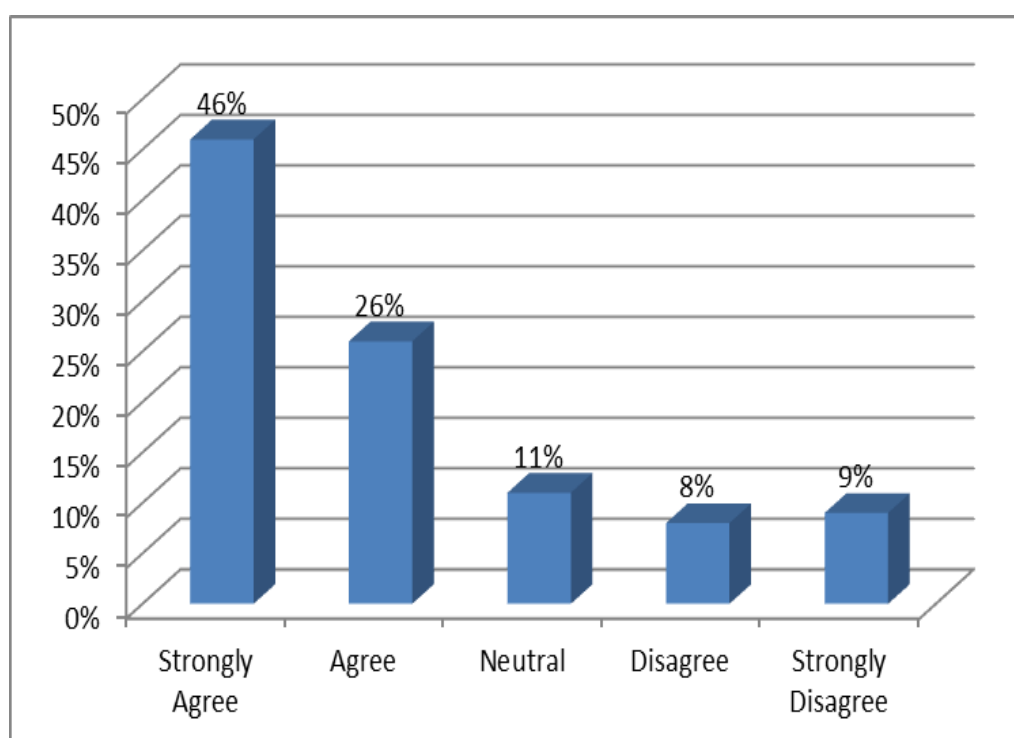
The final statement for people to consider, shown in Figure 55, was the licensing scheme has made no difference at all. 26% of people did not agree whilst 13% did. There was however, as with the previous statement, a large proportion (62%) of people who neither agreed or disagreed.

**Figure 55 – Licensing scheme has made no difference at all**



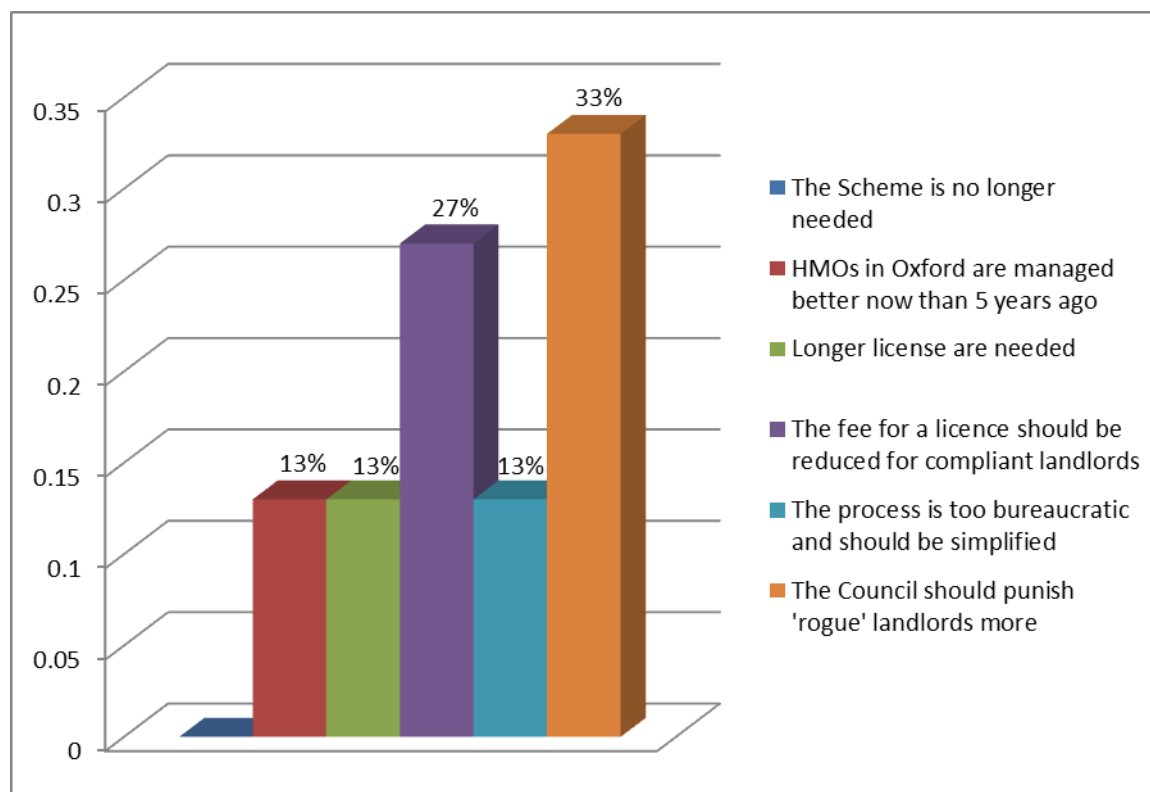
The next question asked people how strongly they agreed or disagreed with the proposal to renew the scheme for the next 5 years. Figure 56 clearly shows that the majority (46%) strongly agreed with this proposal. Furthermore 26% also agreed supporting this approach outright. Only 17% of respondents to this proposal indicated that they either strongly disagreed or disagreed.

**Figure 56 – Renew the Scheme for a further 5 years**



People who had indicated that they strongly disagreed or disagreed with the proposal to renew the scheme for a further 5 years were asked to indicate which statement would apply. The responses provided are set out in Figure 57 below. The top two biggest concerns were that people thought the Council should punish rogue landlords more and the fee for the licence should be reduced for compliant landlords

**Figure 57 – Statements**



### **Focus Groups**

As part of the targeted consultation a series of focus groups were held with stakeholders across the City to capture the views of these specific groups who are likely to be operating under the requirements of the scheme. These included 2 events with landlords and agents, a meeting with students and a separate meeting with agents who predominantly manage HMOs in the City.

### **Landlords and Agents**

The main thrust of the events held with Landlords and Agents was to conduct a SWOT analysis to capture theirs on the strengths, weaknesses, opportunities and threats in relation to HMOs and the Licensing Scheme.

Table 3 below provides the common theme in each of the four parts of the SWOT analysis and the full set of comments are provided as Appendix 1.

**Table 3 – SWOT Analysis**

STRENGTHS	WEAKNESSES
<p>Reputation of Scheme – something to proud of</p> <p>Raises standards and improves safety – fire</p> <p>Communication improved over time</p> <p>Flexibility – advice and practical tips and not just regulation</p> <p>Information provided has improved</p> <p>Landlord events – spreads knowledge</p> <p>Improves tenants confidence</p> <p>Creates awareness</p> <p>Partnership working – online form</p> <p>Massively better joint working – common goal</p> <p>Additional income to fund scheme</p> <p>Self-funding – no cost to tax payer</p> <p>Benefit to Oxford as a growth City</p>	<p>Expensive for ‘good’ landlords</p> <p>Licence period too short</p> <p>Lack of consistency</p> <p>Limited rewards for ‘good’ landlords</p> <p>Council not coping with numbers</p> <p>Too much paperwork – form filling</p> <p>Financial burden on tenants</p> <p>Lack of communication</p> <p>Lack of clarity</p> <p>Deters investment</p> <p>Affordability affected</p> <p>No one on the end of the phone</p> <p>Process drives PRS to ‘rogue’ landlords</p> <p>C3 to C4 impact restricts ability to let</p> <p>Planning/ housing legislation – action taken on one but not the other</p>
OPPORTUNITIES	THREATS
<p>More two way communication</p> <p>More information on location and status of HMOs</p> <p>Easier way to identify and report ‘bad’ landlords</p> <p>Morning clinic for advice and information</p> <p>Clearer breakdown of what is legislation, Oxford requirements and guidance</p> <p>Take a wider area based approach to increase consistency</p> <p>Make renewal and information clearer for non-computer literate people</p> <p>Offer ‘no claims’ discount for good landlords</p> <p>More information for tenants within properties</p> <p>Help to tackle ‘rogue’ landlords</p>	<p>Lack of housing</p> <p>Families being forced out</p> <p>Inadequate resources</p> <p>New legislation</p> <p>Fear of renting – restricting choice</p> <p>Poor IT</p> <p>OCC become overloaded</p> <p>Over regulation</p> <p>Agent – not checking requirements</p> <p>Threatening letters – changing mind</p> <p>Bureaucracy</p> <p>Lack of confidence</p> <p>Management of works</p> <p>High rents</p> <p>Homelessness increase</p> <p>‘Rogues’ ignoring scheme</p> <p>Communication breakdown</p> <p>Losing goodwill of ‘good’ landlords</p> <p>Identifying unlicensed HMOs</p>

A bespoke meeting was also held with members of the Oxford Community Forum to discuss how they are best placed to provide a response to the consultation. A written submission was received from the OCF and is attached at Appendix 7. The main points raised were:

- Accreditation should be easy, criteria should be certified
- Lack of awareness among landlords
- Too much bureaucracy system needs to be simplified
- More flexibility with standards
- Rogue landlords should be pursued and targeted
- Clarification on guidelines, law and best practice

In addition to the meeting with OCF a similar session was also held with agents from around the City including:

- College and County
- North Oxford Property Services
- Finders Keepers
- Lucy's
- Breckon and Breckon
- Premier Lettings
- Scott Fraser

The general consensus from attendees was that “raising standards is what we all want” and the scheme should continue but attempt to provide agents with more leverage when requiring landlords to improve their properties.

This clearly suggests that this group clearly understand what the Council is trying to achieve and are on side with it. It was also apparent that to do this the structure of the scheme needed to be different.

The following provides the main comments and suggestions for improvement.

- Raising the bar
- New software will help
- Sending photos as evidence of compliance with conditions
- System of moderation – 1 weeks' notice would be required prior to visit
- Agent is the representative, they have a duty of care, they are educating clients and can 'strike off' the landlord if they are not cooperating
- Agents to do DBS checks on proposed Licence Holders (if agent not to be the LH)

- Agents to be DBS checked and 50% of their staff trained
- A document can be drafted to explain the responsibilities of each party
- Licence up to 5 years on a pro rata basis
- Good properties – no conditions – roll into 5 year licence
- Costs, if 46% of the stock remain unlicensed can there be a sliding scale of initial licensing fee being higher to claw back evaded fees from the start of the scheme
- All good landlords have been paying since the beginning of the scheme
- OCLAS – agents must be NFPP accredited and 50% of staff trained
- Gold, silver, bronze scale for OCLAS
- Proposal of 1 year and 5 year licences and accredited. Licence up to 5 years with caveat for scheme continuing
- Audit checks – unannounced, to view property files
- Points of contact on both sides i.e.: account managers for letting agents to have as a point of contact in the Council and account managers for the Council to have as a point of contact in the letting agency
- A more robust OCLAS – consensus on paying for training

### **Students**

A similar session was held with students to seek their views on the issues relating to HMO and licensing this type of accommodation in the City.

This focus group was a relatively smaller group comprising of 7 students who had lived in a HMO in Oxford in the past five years.

The group were provided with an overview of what constitutes an HMO and how the licensing scheme came into effect and views were then sought on the range of outcomes in the questionnaire. The final area discussed was that of the future of licensing and if the Scheme was renewed ‘what could be done to improve their experience of living in an HMO?’

The results of this focus group are provided in Table 4 below.

**Table 4 – Results of Student Focus Group**

Areas of Interest	Responses
Understanding of what constitutes a HMO?	Sharing, separate groups, individuals coming together to share bills etc.. living together as a family would
Have you lived in an HMO in Oxford in the past five years?	Yes (7)
Was it licensed?	Yes (5) Not sure (2)
Did you know about the licensing scheme?	Not sure (7) Assumed that certain standards would have to be met.  Didn't check when looking for a property.  Learnt from fellow students about which properties and agents to avoid.  Found out from people moving out.
What was your experience of living in an HMO in Oxford?	Good – the landlord has British Gas cover so any problems are sorted quickly. The previous HMO took a long time to get anything fixed.  Friends have had problems, agent is very responsive but the landlord is not so good.  Not always clear about size of rooms and can mislead to get property let.
What the relationship with landlords like?	Difficult to get repairs done, blame students for damage.  Sometimes challenging  Good landlord  Landlord is 'ok'  (2) Landlords do not give notice before turning up and store stuff in shed and difficult to get repairs done



	(2) Didn't know who their landlord was
How well is the property managed?	<p>Cleaner comes in every week and written into tenancy agreement that a management inspection is completed every 6 months</p> <p>Inspection every few months with 1 week notice but we have to clean communal areas ourselves</p> <p>No management inspections. When report issues agent doesn't care</p> <p>Contract late – had to sit in office to get one</p> <p>Change of occupants – not notified by agent or landlord and someone just turned up and started eating food out of fridge</p> <p>Communication not good</p>
Were your expectations met?	<p>Had low expectations to begin with – lot of horror stories from friends</p> <p>Dealt with differently to working professionals – 'just students' mentality</p> <p>Felt pressured into taking properties on – bidding war created by agent</p> <p>Scaremongering and then change goal posts through gazumping</p> <p>Agents have different standard of offices for different clients</p> <p>'Brick walled' by some agents who 'don't take students'</p>
Have you noticed any impact as a result of the Licensing Scheme?	<p>Can't get something better as a student – noticed much more difference now I'm working professional</p> <p>Found out for self and noticed slight change in that we were asked by landlord to test fire alarm and record</p>
Have standards improved?	Didn't know what was required

	<p>Accept standards because lower rent = lower standards</p> <p>Took on properties in better condition following advice</p> <p>Reputable agent now deals with expectations University provides list of reputable agents</p>
What could be changed / introduced to improve your experience?	<p>Need to know if it is an HMO</p> <p>Checklist of requirements</p> <p>List of Council approved agents</p> <p>Fact sheets on minimum standards</p> <p>Feed into university 'living out guide'</p> <p>Attend fresher's fare</p> <p>30 second video signposting</p> <p>Notification of licence requirements to occupiers</p>

### **General Comments**

As part of the consultation we also received a number of general comments made via email or directly to officers of the Council.

These are provided below.

"The Council should think about a zero tolerance approach and prosecute everyone found operating an unlicensed HMO" – Local solicitors

National Landlords Association (NLA) – The NLA submitted a document with 14 points in response to the proposal for additional licensing, which included a number of statements and comments.

The main issues raised by the NLA were as follows:

- 1) A statement about the Council not reviewing the Article 4 direction in relation to shared housing at the same time as the licensing scheme – “shows a failure in joined up policy”.
- 2) A question asking “why does the Council not pause the consultation until after the Government’s consultation on HMOs, before undertaking such a costly exercise?”
- 3) Statement about costs associated with Additional Licensing scheme being passed to tenants, thus increasing cost further for those who rent in an area, along with the cost of the Council. Thus increasing costs to Oxford residents. This has already been seen with the Council trying to house people on Birmingham, The current policies will make matters worse.
- 4) Concerns about the reasons behind keeping the scheme if it has been a success and if it hasn’t then why undertake a scheme that has failed.
- 5) A statement about how regulation in the PRS should be balanced and reduce any additional cost to landlords and tenants.

The Residential Landlords Association (RLA) – The RLA submitted a consultation response raising 6 general concerns and 6 specific concerns with regard to the following:

- Government review of HMO Licensing
- Independent verification of data
- Room sizes
- Standards
- Costs
- Accreditation

The full response submitted by the RLA is provided at Appendix 5.

The Citizens Advice Bureau (CAB) - The CAB submitted additional information regarding issues they have come across as part of their caseload when dealing with private rented sector tenants in HMOs, which is attached at Appendix 6. Some of the key concerns raised included:

- Poorly managed properties where health risks caused by disrepair are not addressed
- Retaliatory evictions as a result of complaints
- Failure to protect and return deposits
- Frauds and scams around availability of private rented accommodation

## **Conclusions**

In order for the Council to 'renew' the scheme it must proceed through the statutory process as laid out in Section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010.

Section 56 of the Act places requirements upon the Local Housing Authority when considering a designation for additional licensing of HMOs, in that the Council must:

- Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public; and
- Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn; and
- 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 area (these codes relate to University managed accommodation).

Section 57 provides further considerations for the Local Authority in that they should ensure that:

- Exercising the designation is consistent with the authority's overall housing strategy; and
- Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behavior affecting the private rented sector as regards combining licensing with other action taken by them or others; and
- Consider 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; and

- That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

The DCLG General Approval provides the condition that any consultation period for the proposed designation should not be less than 10 weeks.

In February 2010 the DCLG produced general guidance around the approval steps for additional and selective licensing designations in England.

This document provides examples of properties being managed “*sufficiently ineffectively*” including:

- 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 behavior affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems; and
- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health and safety of residents and/or impacting upon the wider community.

From the recent review of the HMO Licensing Scheme and consultation we have found that there have been successes:

- Issued licenses for **3,440 HMOs**.
- **56% of fully completed applications** were submitted without the Council having to remind applicants to provide additional information.
- **£3.2 million has been invested into improving HMOs** during the life of the Scheme.
- Accredited **94 Landlords and Agents** through the Councils Landlord Accreditation Scheme.
- **34%** of works to **comply with licence conditions** had been completed at the time of a re-inspection

Perceptions of the scheme are also generally positive and residents and tenants, in particular can see clear improvements, 39% of respondents felt that living conditions in HMOs have improved and 40% either strongly agreed or agreed that the licensing scheme has improved HMOs.

There are however issues that the scheme has still not fully addressed:

- 36% of all residents reported serious concerns with poorly managed refuse/untidy overflowing bins and HMO property conditions; 49% raised serious concerns about external property conditions
- 51% responded to the issue of overgrown gardens indicating it was a problem in the area where they live
- 53% of respondents either strongly agreed or agreed that there are poorly managed HMO's in the area of Oxford where they live

There will be a minority of landlords who will never see the overall value of a scheme and so they will never support renewal. Their interest is more focussed on financial terms than benefits to the wider community of the City. It is encouraging however that a number of letting/managing agents can see the benefit of the scheme and support the overall principles of regulation but would like to see improvements made to benefit the compliant landlords more and tighten down on punishing non-compliant landlords.

Additional licensing remains a viable solution for the City. The market in Oxford is evolving and buoyant with the number of HMOs increasing year on year. This approach is also consistent with the priorities set within the Council's Corporate Plan and Housing Strategy.

The link to accreditation forms a key part of the development of the scheme and the proposed introduction of 5 year licences. Accreditation will be given to those landlords and agents who are experienced, knowledgeable in their profession and who meet the criteria set down by the Council and adhere to the good practice principles set out in the Royal Institution of Chartered Surveyors (RICS) Private Rented Sector Code of Practice, which was endorsed by Brandon Lewis, Minister of State for Housing and Planning in July 2015. The RICS Private Rented Sector Code of Practice and the Council's criteria for accreditation are provided at Appendix 11 and 12.

## **Proposed Structure**

### **Fees and Charges**

The power to charge a licence fee is governed by the Housing Act 2004.

Under Section 63 the authority may take into account all costs incurred by the authority in carrying out their functions under this part and all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs. This covers costs associated with the making of Interim and Final Management Orders.

When processing licence applications the authority may, in particular, require the application to be accompanied by a fee fixed by the authority.

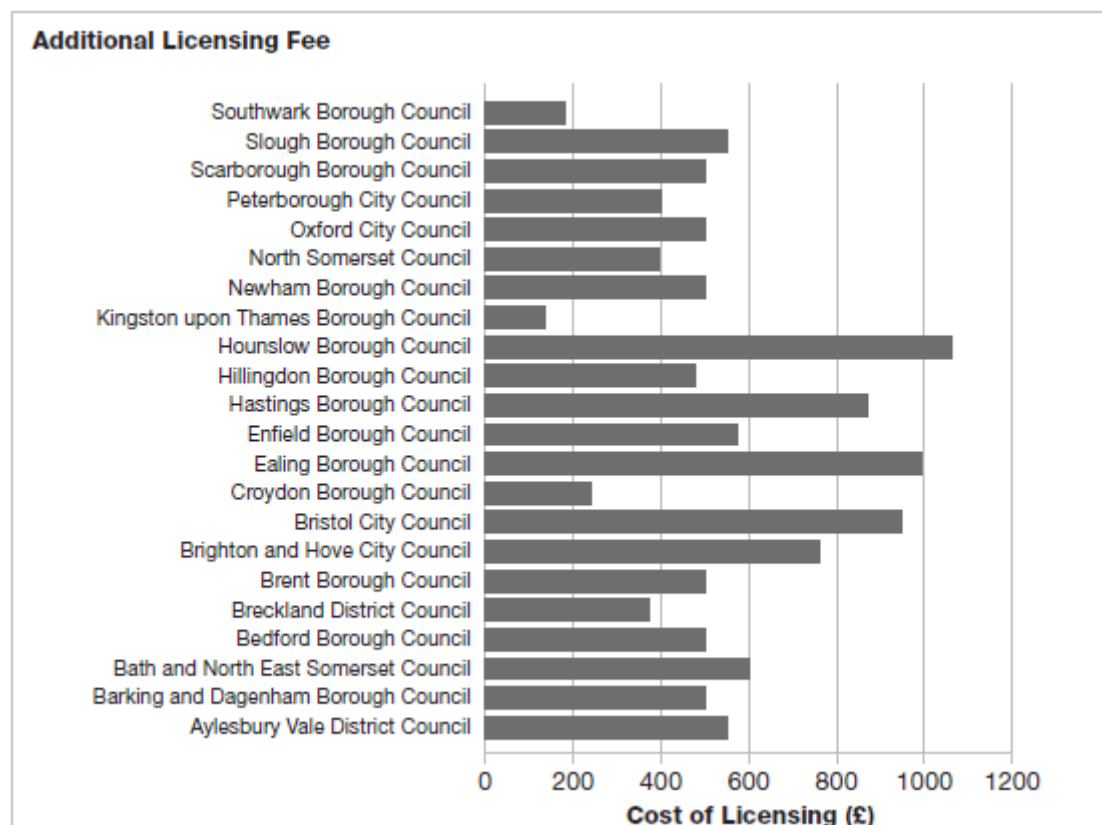
No further regulations exist for the determination of licence fees and so it is for the authority to decide what the cost of licensing will be and to set the fee structure for the scheme accordingly.

Oxford City Council is committed to ensuring that the licensing scheme is self-financing so that all of the costs associated with operating the scheme are borne from the fee structure. This ensures that there is no financial burden placed on the tax payers of Oxford.

The National Landlords Association released an interim report in February 2015 (Landlord Licensing – An overview of the incidence and cost of HMO & Discretionary Licensing schemes in England) which, amongst other things, provided a comparison on the levels of licensing fees charged by Local Authorities, across England, that have introduced Additional Licensing schemes. Figure 58 below provides their findings.

The (NLA) estimates there are around 1.5 million private landlords in the UK and although it works with around 51,000 landlords only 24,800 are paying members, which equates to 1.7% of all the private landlords in the UK.

**Figure 58 – NLA report on cost of licensing**



It is clear from this comparison that Oxford City Council is operating the licensing of HMOs in its District at a similar or lower cost than 16 out of the 22 (73%) of licensing authorities considered. Only 6 (27%) operate schemes at a lower cost than that of Oxford.

It is also worth noting that the scheme in Oxford is somewhat different to the majority of other schemes for two reasons. Firstly, when the scheme was introduced the Council wanted to ensure that it was robust and delivered against the aims and objectives of the scheme and the corporate objective of 'Meeting Housing Need'. To achieve this Council insisted that it would be an annual licence rather than the 'normal' approach of issuing a five years licence. During the early years of the scheme this enabled the Council to gather a wealth of baseline evidence on the condition of HMOs in the City and ensured that the licence was more than 'just a piece of paper'.

Secondly the Scheme in the City is only one of 5 schemes where the designation relates to all areas of the District. The others being Newport City Council, Wrexham Borough Council (both of which are Welsh authorities and were not included in the NLA research), London Borough of Newham and Breckland (Norfolk) District Council.



The cost associated with these schemes is very similar with Breckland operating at a slightly lower cost than that of Oxford and LB Newham and given the former approach adopted by the Council in administering licences it is clear that the fees set are extremely competitive with those of other Local Authorities.

The fee structure can only cover costs associated with the Scheme. This will include consideration of staff costs, training, inspection and administration and publicity and investigatory work involved in identifying unlicensed HMOs.

Currently the Council's fee and charges structure is tailored to reflect that more time is spent dealing with 'bad' landlords than it is with compliant landlords. This will remain the focus of the proposed new fee structure.

The Council will regularly review the fees and charges structure and set its fees to match expected outputs for the following financial year.

The designation of a new scheme has required the Council to undertake a full assessment of the fees and charges structure for this proposed future designation. Table 5 provides the outline of these fees and charges. It is important to note that the Council has set the fees based on the costs associated with delivering the Scheme in its entirety and not necessarily to reflect the actual cost associated with each category of licence. This is to reflect that the Council acknowledges that there should be less financial burdens placed on good landlords and those who comply compared to those who flout their responsibilities and do not take the requirement of complying with the law seriously enough.

**Table 5 – Proposed Fee structure**

Category	Fee	Type	Comments
A	£ 999	Initial Application for a 1 year licence where the owner has been found to be operating an unlicensed HMO for more than 12 weeks.	Increased to reflect increased costs incurred dealing with non-compliant landlords and HMOs in poor condition and the time involved securing a valid application
B	£ 400	Initial Application for a 1 year licence where the owner comes forward to licence voluntarily and is able to demonstrate that the property was acquired and operating as an HMO within the previous 12 weeks	Reduced to reflect reduction in costs dealing with compliant landlords.
C	£ 357	Basic Annual Renewal to reflect need to re inspect due to poor management practices and non-compliance	Where a re-inspection is required because of lack of confidence in management
D	£ 210	Basic Renewal for a 2 year licence	Renewal of an annual licence to a 2 year licence where landlord/agent meets criteria (no inspection required)
E - New	£ 300	5 year or end of scheme licence	5 year licence where landlord/agent meets criteria
F – New*	£300	Fire Risk Assessment Report (requirement for a 2 and 5 year licence).	Inspection and Provision of a Fire Risk Assessment Report

G – New*	£150 per visit	Advisory Visit	Inspection to advise on requirements before property is licensed. Similar to Planning pre-app advice.

\*Optional

### **Eligibility Criteria**

The key changes include the introduction of a 5 year licence for OCLAS Accredited Landlords and Agents. There will no longer be a requirement for 2 year licence holders to be accredited and the Council will be developing the training programme linked to accreditation to provide 2 year licence holders with the opportunity to become accredited and secure a 5 year licence. The Council will, however, no longer accept NLA accreditation as an alternative to OCLAS and as such all landlords that wish to take advantage of a 5 year licence will have to be accredited by the Council. This is likely to affect a very small minority of landlords in Oxford, for those reasons mentioned earlier. In any event there will be no fee to join OCLAS thereby providing landlords with the opportunity to make a cost saving whilst still having the opportunity to secure a 5 year licence.

The Council recognises that the Scheme has evolved since its inception and has developed a structure that reflects the findings of the review and addresses the concerns and issues raised as part of the consultation.

The approach the Council intends to adopt with the determination of new licence will be one where it considers whether the licence holder and manager are eligible for one of the three types of licence shown.

The criteria set out in Table 6 reflect the requirements the Council considers are appropriate for ensuring that HMOs are managed and maintained effectively throughout the City as part of the Licensing Scheme. These factors are based on the experience of the Council over the past five years and suggestions made by participants of the consultation.

**Table 6 – Eligibility Criteria for Proposed Scheme**

<b>Factor</b>	<b>1 year If one criteria applies then will get</b>	<b>2 year Must meet all criteria to obtain 2</b>	<b>5 year Must meet all criteria to obtain 5 year licence</b>
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	<b>1 year licence</b>	<b>year licence</b>	
Experience	<p>Entry level for new landlord - no previous history to allow judgement on management practice.</p> <p>Poor management – see below</p>	<p>The agent must have full management control to be the licence holder</p> <p>Where the landlord wishes to be the licence holder and has an agent, the agent must have full management control to take advantage of the two year licence</p> <p>Good management – see below</p> <p>Introduce pathway to accreditation – attend one day training</p>	<p>OCLAS Accredited Landlord</p> <p>Sign up to Private Rented Sector Code of Practice July 2015 and adhere to good practice</p> <p>Arrangements in place for regular maintenance / repairs i.e. British Gas Homecare or similar</p> <p>Cleaning contracts</p> <p>Cyclical maintenance programme i.e. similar to requirements of decent homes standard</p> <p>50% of employees on have approved qualifications – part of ‘dip’ check</p> <p>Evidence of CPD for employees - Part of ‘dip’ check</p> <p>Membership of other professional association – RICS, ARLA</p>
Application history	<p>Application history is poor – application, fee, documents not submitted on time.</p> <p>1 or more reminder needed after initial reminded to renew</p> <p>Referral to enforcement to obtain certificates</p>	<p>Good application history</p> <p>All documents submitted on time</p> <p>No subsequent reminders needed after initial reminder</p> <p>Clean ‘Bill of Health’ from other internal and external depts....</p>	<p>No reminders needed - Agent or Landlord takes full responsibility for ensuring certs are uploaded/ provided on an annual basis i.e. gas. Part of ‘dip’ check</p> <p>Provide copy of management arrangement and terms of business</p> <p>Provide DBS check if landlord to be licence holder and agent only management responsibility</p>

	Referral to enforcement to chase application	planning, Building Control, Police, HMRC, Immigration (BA)	
Certificates required during licence	Certificates not submitted on time  Referral to enforcement to obtain certificates	Certificates submitted as per licence conditions	Agreed audit approach  As above in application re: submitting certs without reminders and sign to accept that 'dip' check can be carried out on cases without notice.
Licence conditions	Conditions not completed on time (either at revisit but before new licence or conditions carried over)	Conditions completed on revisit	No additional conditions / no need to revisit.  No properties with EPC F or below
	Fire Safety conditions on licence	No fire safety conditions	
	Amenity conditions on licence (bathroom or kitchen works)	No amenity conditions	
	Serious health and safety / disrepair conditions e.g. trip / fall hazards; heating requirements; windows need replacing	No additional conditions minor issues e.g. decorations, damp due to tenant lifestyle may be accepted if being addressed	
	Repeated requests to extend time to complete work		
Service requests	3 or more justified service requests	1 or 2 justified service request	No justifiable service requests
Inspections	Missed appointments or	No missed appointments	Carry out themselves every 6 months and at beginning and end of tenancy.

	over 10 mins late  Difficult to arrange inspections – keep changing date / time  Access prevented to some rooms – need to go back	Where running late, Council is informed  No difficulty arranging appointments  All rooms available to inspect	Council required to inspect through audit process  ‘Dip’ check to look at Fire Log book
Fire Risk Assessment completed	No	Yes	Yes
Benefits to landlords	Yearly inspections from Council to ensure property is maintained (increased inspection fee)	Reduced fee  Reduced inspection regime  Pathway to accreditation and potential to access 5 year licence	Reduced fee  Reduced inspection regime  Audit / spot check scheme to check compliance – reduced workload  Self-regulation monitored by LA

### **Limitations**

The Scheme operates within the limitations set within the Housing Act 2004 and the requirements placed on the Council as a Local Authority.

The Council has attempted to be fair and consistent with the charges set for the Scheme and the manner in which it is structured and will review this from time to time to ensure that it is operating in accordance with the legal and administrative requirements. This may result in revisions to the fees, which in previous occasions has benefited the compliant and cooperative landlords and agents. Every attempt will be made to limit the financial burden on the compliant sector and punish the non-compliant. This is a key finding from the consultation.

### **Enforcement**

The Council has always taken a proactive approach to carrying out the enforcement of legislation relating to HMOs. This has resulted in it taking more prosecutions than most other authorities

across the country, only the larger metropolitan and London Borough authorities have taken more.

The Council will continue to investigate situations where there are clear breaches of the legislation and will undertake enforcement action in accordance with its enforcement policy and the requirements set out in the various legislative frameworks.

## **Appendices**

- Appendix 1 - SWOT Results from Landlord/ Agent events
- Appendix 2 – Summary notes from Agent Focus Group
- Appendix 3 – Student Focus Group notes
- Appendix 4 – National Landlords Association response
- Appendix 5 – Residential Landlords Association response
- Appendix 6 – Citizens Advice Bureau response
- Appendix 7 – Oxford Community Forum response
- Appendix 8 – Presentations from Landlord/ Agent events
- Appendix 9 – Consultation posters and flyers
- Appendix 10 – Social media material
- Appendix 11 – RICS Private Rented Sector Code of Practice
- Appendix 12 – OCLAS accreditation criteria

Appendix 13 – Wolvercote Neighbourhood Forum response

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## Appendix 2 – Proposed Fees and Charges post 31 January 2016

Category	Fee	Type	Comments
A	£ 999	Initial Application for a 1 year licence where the owner has been found to be operating an unlicensed HMO for more than 12 weeks.	Increased to reflect increased costs incurred dealing with non-compliant landlords and HMOs in poor condition and the time involved securing a valid application
B	£ 400	Initial Application for a 1 year licence where the owner comes forward to licence voluntarily and is able to demonstrate that the property was acquired and operating as an HMO within the previous 12 weeks	Reduced to reflect reduction in costs dealing with compliant landlords.
C	£ 357	Basic Annual Renewal to reflect need to re inspect due to poor management practices and non-compliance	Where a re-inspection is required because of lack of confidence in management
D	£ 210	Basic Renewal for a 2 year licence	Renewal of an annual licence to a 2 year licence where landlord/agent meets criteria (no inspection required)
E - New	£ 300	5 year or end of scheme licence	5 year licence where landlord/agent meets criteria
F – New*	£300	Fire Risk	Inspection and

		Assessment Report (requirement for a 2 and 5 year licence).	Provision of a Fire Risk Assessment Report
G – New*	£150 per visit	Advisory Visit	Inspection to advise on requirements before property is licensed. Similar to Planning pre-app advice.

\*Optional

### Appendix 3 – Eligibility Criteria for 1, 2, & 5 year licences

Factor	1 year If one criteria applies then will get 1 year licence	2 year Must meet all criteria to obtain 2 year licence	5 year Must meet all criteria to obtain 5 year licence
Experience	<ul style="list-style-type: none"> <li>• Entry level for new landlord - no previous history to allow judgement on management practice.</li> <li>• Poor management – see below</li> </ul>	<ul style="list-style-type: none"> <li>• The agent must have full management control to be the licence holder</li> <li>• Where the landlord wishes to be the licence holder and has an agent, the agent must have full management control to take advantage of the two year licence</li> <li>• Good management – see below</li> <li>• Introduce pathway to accreditation – attend one day training</li> </ul>	<ul style="list-style-type: none"> <li>• OCLAS Accredited Landlord or Agent</li> <li>• Sign up and adhere to the Private Rented Sector Code of Practice</li> <li>• Arrangements in place for regular maintenance / repairs i.e British Gas Homecare or similar</li> <li>• Cleaning contracts</li> <li>• Cyclical maintenance programme i.e similar to requirements of decent homes standard</li> <li>• 50% of agents employees have approved qualifications</li> <li>• Evidence of CPD for employees</li> <li>• Membership of other professional association – RICS, ARLA</li> </ul>
Application history	<ul style="list-style-type: none"> <li>• Application history is poor – application, fee, documents</li> </ul>	<ul style="list-style-type: none"> <li>• Good application history</li> <li>• All documents</li> </ul>	<ul style="list-style-type: none"> <li>• No reminders needed- Agent or Landlord takes</li> </ul>

	not submitted on time. <ul style="list-style-type: none"> <li>• 1 or more reminder needed after initial reminded to renew</li> <li>• Referral to enforcement to obtain certificates</li> <li>• Referral to enforcement to chase application</li> </ul>	submitted on time <ul style="list-style-type: none"> <li>• No subsequent reminders needed after initial reminder</li> <li>• Clean 'Bill of Health' from other internal and external depts... planning, Building Control, Police, HMRC, Immigration (BA)</li> </ul>	full responsibility for ensuring certs are uploaded/ provided on an annual basis i.e gas. Part of 'dip' check <ul style="list-style-type: none"> <li>• Provide copy of management arrangement and terms of business</li> <li>• Provide DBS check if landlord to be licence holder and agent only management responsibility</li> </ul>
Certificates required during licence	<ul style="list-style-type: none"> <li>• Certificates not submitted on time</li> <li>• Referral to enforcement to obtain certificates</li> </ul>	<ul style="list-style-type: none"> <li>• Certificates submitted as per licence conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Agreed audit approach</li> <li>• As above in application re: submitting certs without reminders and sign to accept that 'dip' check can be carried out on cases without notice.</li> </ul>
Licence conditions	<ul style="list-style-type: none"> <li>• Conditions not completed on time (either at revisit but before new licence or conditions carried over)</li> </ul>	<ul style="list-style-type: none"> <li>• Conditions completed on revisit</li> </ul>	<ul style="list-style-type: none"> <li>• No additional conditions / no need to revisit.</li> <li>• No properties with EPC F or below</li> </ul>
	<ul style="list-style-type: none"> <li>• Fire Safety conditions on licence</li> </ul>	<ul style="list-style-type: none"> <li>• No fire safety conditions</li> </ul>	
	<ul style="list-style-type: none"> <li>• Amenity conditions on licence (bathroom or kitchen works)</li> </ul>	<ul style="list-style-type: none"> <li>• No amenity conditions</li> </ul>	

	<ul style="list-style-type: none"> <li>Serious health and safety / disrepair conditions e.g. trip / fall hazards; heating requirements; windows need replacing</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions minor issues e.g. decorations, damp due to tenant lifestyle may be accepted if being addressed</li> </ul>	
	<ul style="list-style-type: none"> <li>Repeated requests to extend time to complete work</li> </ul>		
Service requests	<ul style="list-style-type: none"> <li>3 or more justified service requests</li> </ul>	<ul style="list-style-type: none"> <li>1 or 2 justified service request</li> </ul>	<ul style="list-style-type: none"> <li>No justifiable service requests</li> </ul>
Inspections	<ul style="list-style-type: none"> <li>Missed appointments or over 10 mins late</li> <li>Difficult to arrange inspections – keep changing date / time</li> <li>Access prevented to some rooms – need to go back</li> </ul>	<ul style="list-style-type: none"> <li>No missed appointments</li> <li>Where running late, Council is informed</li> <li>No difficulty arranging appointments</li> <li>All rooms available to inspect</li> </ul>	<ul style="list-style-type: none"> <li>Carry out themselves every 6 months and at beginning and end of tenancy.</li> <li>Council required to inspect through audit process</li> <li>'Dip' check to look at Fire Log book</li> </ul>
Fire Risk Assessment completed	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>
Benefits to landlords	<ul style="list-style-type: none"> <li>Yearly inspections from Council to ensure property is maintained (increased inspection fee)</li> </ul>	<ul style="list-style-type: none"> <li>Reduced fee</li> <li>Reduced inspection regime</li> </ul>	<ul style="list-style-type: none"> <li>Reduced fee</li> <li>Reduced inspection regime</li> <li>Audit / spot check scheme to check compliance – reduced workload</li> <li>Self regulation monitored by OCC</li> </ul>

### 5 year audit scheme

- One audit every 6 months
- Audit will include office based analysis of records held on system to check if all certificates etc. are up to date and uploaded.
- Audit will also include an unannounced visit to offices of agents where Officer will request to see records for selection of properties (10%).
- Where appropriate Officer may also ask for notice to be given to inspect a sample of properties the next day (agents need to give 24 hrs notice)
- On inspection if no issues are found or if issues found and action is already being taken to deal with them then audit will be signed off as complied.
- Where non-conformities are found then assessment will be carried out to determine appropriate course of action including a range of informal and formal approaches.

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Legal challenge	A legal challenge to the proposals is put forward as a judicial review	Opp and Threat	Statutory requirements not met. Insufficient resources provided to fulfill requirements. Insufficient evidence base. Lack of wider consultation		October 2015	Adrian Chowns							The statutory designation is required in order to meet the requirements of the Housing Act 2004. Any challenge must be made within the statutory timeframes	Ensure that statutory requirements for proving the case for licensing of HMOs is robust and are met.	Now			Ian Wright/ Adrian Chowns
Recommendations not approved	The recommendations of the report are not approved	Threat	Insufficient support from members to proceed with statutory consultation	Phase 1 of the Scheme will expire and Phase 2 will remain regulated.	October 2015	Adrian Chowns							The regulation of the HMO sector will fall back to the basic (limited) statutory controls which is likely to result in a decline of conditions and standards in the sector	Review and implement appropriate consultation project and ensure requirements of legislation fulfilled.	October 2015			Ian Wright/ Adrian Chowns

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## Form to be used for the Full Equalities Impact Assessment

<b>Service Area:</b> Environmental Development		<b>Section:</b> Environmental Health	<b>Date of Initial assessment:</b> 31/08/2015	<b>Key Person responsible for assessment:</b> Adrian Chowns	<b>Date assessment commenced:</b> 07/09/2015
<b>Name of Policy to be assessed:</b>			CEB Report: Results of Consultation of HMO Licensing		
<b>1. In what area are there concerns that the policy could have a differential impact</b>			<i>Race</i>	<i>Disability</i>	<i>Age</i>
			<i>Gender</i>	<i>Religion or Belief</i>	<i>Sexual Orientation</i>
<b>Other strategic/ equalities considerations</b>			<i>Safeguarding/ Welfare of Children and vulnerable adults</i>	<i>Mental Wellbeing/ Community Resilience</i>	<i>Marriage &amp; Civil Partnership</i>

<p><b>2. Background:</b></p> <p>Give the background information to the policy and the perceived problems with the policy which are the reason for the Impact Assessment.</p>	<p>A statutory consultation project of 10 weeks is now complete and the new scheme (if approved) will be required to be designated and advertised for a minimum 12 weeks. The delivery of this is governed by extremely tight timescales and Phase 1 of the Scheme is due to expire in January 2016. Failure to make a new designation could result in certain parts of the sector being regulated and other parts not regulated. This may also put all occupiers of these type of HMOs at risk.</p>
<p><b>3. Methodology and Sources of Data:</b></p> <p>The methods used to collect data and what sources of data</p>	<p>An assessment on the proportion of landlords from BME groups has indicated that 25% are of Asian origin. This group make up 10% of the population of Oxford as a whole. This remains the case following the completion of the consultation.</p> <p>The profile of the PRS in Oxford has changed considerably since the introduction of the Scheme. Oxford is now the least affordable City to live in and has the highest proportion of young people. High house prices create a situation where they are unlikely to be able to access home ownership consequently the PRS is the most viable option and sharing reduces the cost of accommodation further.</p>
<p><b>4. Consultation</b></p> <p>This section should outline all the consultation that has taken place on the EIA. It should include the following.</p> <ul style="list-style-type: none"> <li>• Why you carried out the consultation.</li> <li>• Details about how you went about it.</li> <li>• A summary of the replies you received from people you consulted.</li> <li>• An assessment of your proposed policy (or policy options) in the</li> </ul>	<p>If the recommendations of the CEB report are supported then officers will proceed with the 12 week statutory designation and public notices will be released in accordance with the legislation.</p>

<p>light of the responses you received.</p> <ul style="list-style-type: none"> <li>• A statement of what you plan to do next</li> </ul>	
<p><b>5. Assessment of Impact:</b></p> <p>Provide details of the assessment of the policy on the six primary equality strands. There may have been other groups or individuals that you considered. Please also consider whether the policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults</p>	<p>The project is based on the need to fulfil the requirements of national legislation. A key consideration is to ensure that the statutory designation is made and advertised for 12 weeks..</p> <p>Data gathered will assist in informing the impact on target groups such as landlords from BME groups, tenants, students and migrants. The levels of impact vary across each group with 25% of BME landlords operating HMOs, young people likely to access this type of accommodation, the increase in families living in HMOs and vulnerable groups being the key considerations.</p> <p>In regulating HMOs, owners and agents who are regulated against may feel that they have been adversely impacted upon. However there are no other ways in which the service could be provided that would achieve these aims without adverse impact. Ultimately, when working within the legislative framework, people have a right to legal redress should they feel that a decision was unfairly/unlawfully taken; this can be via an appeal process or the Council's Complaints system.</p>
<p><b>6. Consideration of Measures:</b></p> <p>This section should explain in detail all the consideration of alternative approaches/mitigation of adverse impact of the policy</p>	<p>The key groups that are likely to affected by these proposals have been identified and a consultation project developed to address the implications of the scheme. The proposed approach to consultation has been set out by the recent PIB report and approved. The report setting out recommendations will be considered by CEB and if approved the consultation will be conducted in accordance with the project plan approved.</p>

<b>6a. Monitoring Arrangements:</b>  Outline systems which will be put in place to monitor for adverse impact in the future and this should include all relevant timetables. In addition it could include a summary and assessment of your monitoring, making clear whether you found any evidence of discrimination.		The fee and charges structure associated with licensing of HMOs has been reviewed following the consultation and developed taking account of the impact this has on landlords generally.  When enforcement activity is carried out each case is reviewed to ensure that the Council is being fair, consistent and proportionate in its approach. This review ensures that the impact of particular groups is monitored. Feedback is also obtained from relevant groups.				
<b>7. 12. Date reported and signed off by City Executive Board:</b>						
<b>8. Conclusions:</b>  What are your conclusions drawn from the results in terms of the policy impact		Additional licensing remains a viable option for the City and is the best course of action for dealing with the problems associated with HMOs in Oxford.				
<b>9. Are there implications for the Service Plans?</b>	YES		<b>10. Date the Service Plans will be updated</b>	2015/2016	<b>11. Date copy sent to Equalities Officer in HR &amp; Facilities</b>	
<b>13. Date reported to Scrutiny and Executive Board:</b>			<b>14. Date reported to City Executive Board:</b>		<b>12. The date the report on EqIA will be published</b>	

Signed (completing officer)

Signed (Lead Officer)

**Please list the team members and service areas that were involved in this process:**

Organisational Development & Learning Advisor/ Equalities

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## **APPENDIX 1 – STRENGTHS, WEAKNESSES, OPPORTUNITIES & THREATS**

**21 July 2015**

Main themes were:

### ***Standards***

Reputation of scheme – to be proud of  
High standards  
Raises standards overall  
Improved safety - fire in particular  
Neighbourhoods/neighbours confident with licensed HMOs  
General standards for tenants  
Tenants safety  
Bringing stock up to standard  
Consistent – expectation

### ***Communication***

New on-line form (will be better)  
Flexibility – inspector giving practical advice  
Mark Williams practical and helpful  
LIE events – sharing information and opportunity for landlords and agents to network  
Newsletters are useful  
Aids better relations with community/neighbours  
Building communications – restructure joining planning and licensing services together  
Improving communication

### ***Education***

LIE events – communication with action regarding changes  
Spreads knowledge  
Gives tenants confidence  
Educating tenants  
OCLAS  
Landlords better educated – creates awareness, have to be more informed

### ***Working together***

(Being able to) pilot the new on-line form  
Some leverage for letting agents (Council requiring works to be carried out)  
2 year licence  
Dawn and the team (no prompting from me!)  
Things have got massively better  
Working together – local authority and customers

### ***Financial/local economy***

Additional income – Council, Contractors & local businesses  
Job security – Council, Contractors & local businesses  
Better value for tenants and subsequently landlords  
Self funding  
Benefit to Oxford – for people moving here

Economy/contractors/SMEs, electricians, gas etc  
Adds value to property, more attractive/marketable  
Minimum guidance – Amenities & Facilities guide (this was listed as a strength)?!  
Can't remember what was said around this.

## **05 August 2015**

Providing advice to new landlords  
Raises quality of accommodation  
Weeds out rogue landlords  
Gives confidence to tenants  
Gives confidence to landlords they are compliant  
Owner occupiers know there is a structure to regulate and someone to help  
HMOs provide affordable accommodation  
Enables control of numbers of people in houses  
Ensures properties are maintained and safe  
Competitive advantage to better landlords  
Engagement with landlords has improved

## **Weaknesses**

### **21 July 2015**

- Expensive for good landlords
- Licence period too short
- Lack of consistency in what is being required
- ‘Good’ landlords are still being threatened with enforcement
- Slow response times for landlord queries
- Limited rewards for good landlords
- Back dated late notices
- Council not coping with numbers of applications
- Too much paperwork and form filling repetition
- Financial burden on tenants and landlords
- The council is late to issue things yet landlords are expected to meet the councils deadlines
- 1 year licences are too much hassle
- The waiting times for licences are too long
- Lack of communication between HMO's and planning
- Landlords are not always clear of what is required of them
- Lack of flexibility in the HMO licence
- Contradictions in what is required in AST's and in HMO licences
- Planning application process is too long winded
- Lack of consistency in what we ask for and what other local authorities ask for
- The process makes people homeless
- No one on the end of the phone!
- Lack of up to date information on the website



-Lack of information and advice distributed

### Commonly raised

#### 05 August 2015

More expensive for landlords – higher rents / pass cost on to tenants  
Drive PRS to rogue landlords  
Unforeseen consequences  
Time consuming and repetitive applications  
Deter good landlords from investing  
C3 to C4 impact restricts ability to let and drives up costs  
Planning / housing legislation are different so action taken on one but not other  
Affordability

### Opportunities

#### 21 July

More two-way communication – especially with renewals and certificates wanted – let the LLs know when certificates are due – it would be good if the new computer system could send out automatic reminders

Offer discounts/financial or other incentives each year for good performance

Manage by exception – innocent until proven guilty, leave the compliant majority to get on with it and focus all our resources on the ‘bad guys’

More information on location and status of HMOs and easier ways to identify and report bad HMOs – e.g. create an interactive map with all HMOs and their status marked on it (Bath and NES have this) which can be used by neighbours and prospective tenants to search and identify both good and problematic HMOs

A walk-in clinic, operating e.g. each Wednesday morning at SAC where LLs can come in and ask questions/get help with applications, licensing and managing issues.

Star ratings for houses – like food businesses, which show who the best and worst houses are, and put into a searchable database for tenants to provide a positive marketing opportunity

### Clearer breakdown of what is legislation, Oxford standards and guidance

Greater consistency of advice and inspections/decisions

Recognise the diversity of HMO tenure – not all tenant types/properties and management styles/arrangements/business models are the same – obviously

maintain consistent safety standards, but appreciate the differences and treat accordingly

Take a wider area-based approach, to increase consistency of HMO enforcement and standards across Oxfordshire – engage with neighbouring LAs/ district authorities

Greater differentiation between good and bad, using length of licence

Continue naming and shaming bad landlords, but also focus on publicising good landlords – tell and sell the success story of X000 better safer HMOs – how Oxford's HMOs are amongst the safest in the country, focus on positive marketing

Discounts for accredited/NLA members (and make accreditation recognise RLA members as well as NLA) – make these schemes offer more, give CPD for attending LIE events etc as well as the annual training

Better lead times on fees so LLs can better balance their books and anticipate what the fees are going to be and have the necessary funds in place

Traffic light scoring after inspections to help prioritise works

Feedback notes to attendees after training events (e.g. today – the findings from this discussion)

Incentivise landlords to improve and to encourage the PRS to up its game – use longer licences and lower fees – longer licences allows us to give better service, reduce inspections etc, which in turn reduces costs and increases overall revenue

Rating scheme (like EPC ratings) for properties assessing a range of criteria which is consistent across the sector – however avoid adding additional bureaucracy and inspections, as the licence should achieve this on its own

Reduce time spent by LLs searching the internet for information and doing renewals, streamline, make renewals and information clearer for non-computer-literate people

Stagger licence renewals/inspections/fee payments across the year

Offer 'no claims discounts' for good LLs who do not have any SRs/issues etc to encourage and reward compliance and good management

Spot checks over the licence, risk rate to focus on places of concern, perhaps bi-annual checks?

Promote the licence to LLs as a passport to getting better agents and better tenants, and to tenants as a passport to better, safer houses

More information for tenants within properties with contact details of who to report to, what to report, and when etc – e.g. 1<sup>st</sup> LL → Council/Jackie etc, perhaps checklists for expectations

More engagement with tenants and students e.g. with units of behavioural expectations of tenants

**Help tackling rogue tenants** – LLs would really appreciate the Council's support with dealing with difficult and rogue tenants – this is an opportunity for the Council to give something back to LLs. Greater onus on tenants to comply with regulations, more engagement with tenants, more info and training for tenants

Easy ways to give feedback via the website etc

Make it easier for houses to change ownership/change agents

More staff to help you cope with workload

Longer licences

Faster turn-around of licences, more consistency – make a **service-level-agreement of what LLs can expect from the Council** in these (and other) respects

**Have a positive marketing campaign to promote the good LLs** to students, tenants and residents which will in turn help improve values of compliant, licensed properties  
Provide more opportunities for sharing best practice between LLs

Fewer inspections

**More resources for tenancy relations**

**Better signposting for planning and building control**

## **05 August**

Improve processes / be less bureaucratic

Longer licences

Self regulation / control

Online application – uploading of documents / automatic reminders when gas etc due or renewals due

Greater consistency in conditions / inspections / requirements

Make money to fund licensing services

Get other HMOs licensed

Rewards or incentives for landlords

Streamline contact

Cross boundary accreditation

EPCs - new requirement, work with centrica to get funding for energy efficiency works

## **THREATS**

**21 July**

### **KEY THEMES:**

Lack of housing -Majority of HMOs available to student market- What about professionals? Forcing families out.  
Inadequate resources limit ability to administer scheme  
New legislation – Legionella. EPC requirements, section 21 notices  
Fear of renting- Restricting choice  
'The Unknown'- Restricts long term planning ie for investment  
Poor IT infrastructure  
Working with a failing system  
Mistakes- getting it right first time to avoid generation of more work.  
Majority of HMOs available to student market- What about professionals?  
Forcing families out of rental market.  
Need to be evidence based  
OCC becoming overloaded- Inadequate resources limit ability to administer scheme  
Oxford CC- Over regulation  
    Yearly licencing  
    Consistency issues  
    Overstretching resources  
    Staffing levels and retaining staff  
Double standards eg exemption of Housing Association properties  
Agent- Not checking licence conditions  
Erratic  
'The Unknown'- Restricts long term planning ie for investment  
Threatening letters- changing mind  
Bureaucracy- more hotel than home

### **Other general comments**

Poor IT  
People not buying into the scheme  
New legislation – Legionella. EPC requirements, section 21 notices  
Lack of confidence in authority  
Staffing levels  
Losing credibility  
Back dating of licences  
Management of works  
Too complicated- People opt out and don't subscribe to the schemes  
Working with a failing system- better not to bother  
Inadequate resources

Lack of housing  
Purchasing property- issue with whether or not you will get a licence  
Inadequate resources  
High rents  
Additional costs  
Fear of renting- Restricting choice  
Homelessness issue  
Proportionality  
Mistakes- getting it right first time to avoid generation of more work.

More HMOs than staff  
Rogue LL ignoring the scheme  
IT  
Poor communications  
OCC- Own staff no consultants  
Losing goodwill of good landlords eg due to poor communication  
Not working in partnership to improve management  
Higher penalties for rogue landlords  
Process is too involved- Introduction of self-certification scheme  
Tenancy issues  
People not licencing  
Inefficiency  
Lowering to 3 people  
Landlords won't let as an HMO  
Reducing housing  
Evidence based  
Undermining scheme  
Focus on unlicensed  
Prioritisation  
Identification of unlicensed

## **05 August 2015**

Longer licences could lead to drop in standards – landlords are used to getting regular inspections so don't bother to do their own checks

Expensive lawsuits or tribunals if get things wrong e.g. minimum room sizes – national guidance is more generous than Oxford could lead to lawsuit for lost rent

Property prices go up

Pressure on accommodation

Capacity of team to deal with volume of licences

Loose reputation

Lack of knowledge of rogue landlords or agents from other LA moving to Oxford

OCC unable to attract or retain good staff

Licensing extended to all houses

More judicial reviews of scheme

Becomes over – regulated

Standards keep going up and becomes burden on landlords – loose support of willing landlords

Demanding inspection regimes

Inconsistency

## **APPENDIX 2 – Agents Focus Group**

Some Notes Following Our Meeting.

Thank you all for making it on Wednesday..... I know it was at short notice, but they had fixed the dates of the consultation period, and I think it was worthwhile having our input.

I have prepared some very brief notes of the main points..... could you confirm that they are accurate and that I have not left anything out? Please feel free to add bits or change as you see fit!

1. The agents represented agreed that the aim of the Additional Licensing Scheme, to improve the quality of the stock in the PRS were shared by us and our clients. None-the-less there were concerns that an estimated 40 to 50% of HMOs in the city remain unlicensed, and that whilst the “good” landlords continued to pay into the scheme, there were apparent incentives for the “rogue” landlords to continue to avoid it.
2. The agents represented welcomed the exploration of the re-introduction of an extended license; there was agreement that 5 years would be ideal, but understood that a license could not be granted beyond the term of any scheme extension. There was further consensus that there should be a number of prerequisites to the offering of the longer license.
  - A.) That some clarity was required about what constituted a fit and proper person/organisation to own/manage a property offered an extended license.
  - B.) That the property would need to be fully compliant with any historical conditions imposed on the last license term.
  - C.) That the cost of such a license was calculated in such a way as to represent a real incentive to apply for it.
  - D.) That the license holder, and or property manager would need to agree to random auditing/moderation of standards at short notice. Such notice to be negotiated.
3. The agents represented welcomed the idea of strengthening the accredited status afforded to landlords and agents. In principle, it was accepted that the

accreditation scheme should be cost neutral, and we would welcome further consultation on how this might be improved.

4. There was some frustration expressed about the delay in issuing some licenses since before Christmas last year, and the difficulty with making contact within the licensing team. The agents represented asked if we could have a dedicated single point of contact as part of the accredited status offering.
5. Similarly there was some concern expressed over inconsistencies and inaccuracies in conditions imposed; a single point of contact would assist with this too.
6. There were issues with organisations having to nominate an individual to be the license holder; if the named individual leaves the organisation there is potential for considerable expense. It was asked if we could explore an officer position could be used as a license holder (with a named individual for fit and proper person purposes) and if the licensed could be varied if the post holder changed (subject to compliance with above)
7. The agents represented welcomed the news that the new database should be rolled out before any renewal of the scheme. Plenty of volunteers for testing!

### **APPENDIX 3 - Oxford University Student HMO Focus Group**

**The purpose of this group is to seek views from students on the issues relating to HMOs and the Licensing of this type of accommodation in the City.**

#### **Areas of interest**

- **Have you lived in an HMO in Oxford in the past five years?**
- **Do you know Licensing Scheme existed in Oxford since 2011?**
- **Was it licensed or not?**
- **Do you know the address?**
- **What was the experience like?**
- **What was the property like?**
- **How did you find living there?**
- **Was this the first time in a private rented HMO?**
- **What was your relationship like with the landlord/ agents?**
- **Were repairs dealt with promptly?**
- **How well was the property managed?**
- **Did it meet your expectations?**
- **Generally how was the experience?**

#### **Overview of Minimum Standards required in HMOs**

- Capture experience
- Knowing what the minimum standards are for HMOs can you 'see' any impact as a result of the Scheme?
- Have standards improved?
- Did your landlord /agent do regular management inspections?
- Any personal experience/ examples?

### **The future of Licensing**

- If the Scheme were to be renewed what could be introduced / changed to improve your experience of living in a HMO?

### **Additional ways to get involved in the Consultation**

<http://www.oxford.gov.uk/consultation>

## **RESPONSES**

### **WHAT IS AN HMO?**

#### **Sharing**

**Separate Groups/ Individuals**

**Individuals pay Council Tax separately and share bills**

### **HAVE YOU LIVED IN A HMO – yes (all 7)**

**Licensed? – 5 knew Certificate was on wall (displayed) 2 not sure not seen licence**

**DID YOU KNOW ABOUT LICENSING – 7 didn't know but assumed certain standards would have to be met**

**Didn't check when looking for accommodation and not always clear what type of property – learnt from experience on which properties/ agents to avoid.**

**Took initiative and adverts often put up by person moving out often has info.**

### **EXPERIENCE OF LIVING IN A HMO**

**Good – Landlord has British Gas care and any problems are sorted immediately.**

**Previous HMO took a long time to get anything fixed**

**Friends have had problems in older housing so decided to go with modern house**

**Agent very responsive – landlord not so good**

**Not always clear about size of rooms and can mislead to get let.**



## **RELATIONSHIP**

Difficult to get repairs done – blame students for damage and can sometimes be challenging

Landlord occasionally visits – 3 don't know who their landlords are.

1 has exceptionally good landlord – gives notice etc..

1 has landlord who is ok – give notice and does repairs but not very quickly

2 have landlords who do not give notice and use shed/ garage to store stuff – turn up without notice and move stuff – can be difficult to contact to get repairs done – one day heard landlord in garden and didn't even know he had gone through the house.

## **MANAGEMENT**

Cleaner comes in every week and written into tenancy agreement that a management inspection every 6 months.

Inspection every few months with 1 week notice given – tidy up communal areas ourselves

No management inspections – when report issues agent ignorant/ doesn't care about problem (mould) not responsive to concerns raised eg. Shower tray fitted wrong way causes flooding every time shower is used – NOPS slow to deal with

Premier – Contract Late.. had to sit in office to get them to give it to me

Change of occupants.. not notified some random person in kitchen eating food out of fridge

Communication not good!

Landlord empowers us to find replacement tenants when one person leaves and to deal with B Gas Homecare to arrange repairs to items that are covered.

## **MEET EXPECTATIONS?**

Had low expectations to begin with- heard a lot of horror stories from friends

Definitely dealt with differently to working professionals – because 'just' students

Felt pressured into taking properties on – bit of a bidding war created by agent – scaremonger approach by Premier – changed goalposts and told us to we had been gazumped

NOPS – 2 offices – clearly different – professionals office and students office – different types of HMOs available – went into professionals office and told to go next door

Brick walled by some agents who 'don't take students'. I.e NOPs no under 25's for some properties

## **IMPACT OF SCHEME**

Can't get something better as a student – first come first served as a student – easier to find now not a student and started working do not have to rush or settled for something less.

Found out for self and noticed slight change in that we needed to test fire alarms

## **STANDARDS**

Didn't know what was required

Based on budget – lower rent – lower standards

Took on properties in better condition through advice from older students – pick a decent letting agent as opposed to house or landlord

Reputable agent will deal with people's expectations  
University provides list of reputable agents

## **INTRODUCE TO CHANGE/ IMPROVE EXPERIENCE?**

Know if it is a HMO

Checklist of requirements

List of Council approved agents

Facts sheets on minimum standards

Feed into 'living out guide'

Freshers fayre – 2<sup>nd</sup> years

30second video signposting

Notification of licence requirements to occupiers

## APPENDIX 4 – NLA RESPONSE



**National Landlords Association:**

*Response to Oxford Council proposal for Additional Licensing*

*August 2015*

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords. With more than 33,000 individual landlords from around the United Kingdom, we provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
2. The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.
3. The National Landlords Association (NLA) would like to thank Oxford Council for providing the opportunity to comment on licensing.
4. In the Government procedural document - 'Approval steps for Additional and Selective Licensing Designation in England', it states that in order to apply for Additional Licensing a local housing authority *"will have to show how such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies on Homelessness, Empty homes, Regeneration and Anti-social behaviour."* with the council not reviewing the article 4 direction in relation to shared housing, this shows a failure in joined up policy by Oxford Council.
5. We are disappointed by the councils lack of joined up policy making. Failure to view additional licensing with the article 4 direction that currently is in place means that the joint impact is not measured across Oxford.
6. Why does the council not pause the consultation until after the government's consultation on Houses of Multiple Occupation, before undertaking such a costly exercise?
7. One of the dangers of the proposed Additional Licensing scheme is costs are passed through to tenants, thus increasing cost further for those who rent in an area, along with the cost of the council. Thus increasing costs to Oxford residents especially the most vulnerable. This has already been seen with the council trying to house people in Birmingham<sup>1</sup>. The current policies which the council is looking to keep will make matters worse.
8. The city council has a top three global university which draws students from across the world; this is putting pressure on the housing market. At a time when universities are competing to get more students will put greater pressure on the city's housing market. With students able to spend more than those in receipt of welfare will only push more people from Oxford due to the lack of shared housing.
9. In addition to students, young professionals, migrants make up an important part of the shared housing market the UK. The change in welfare housing means there is an increasing demand for shared housing. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Thus the impact of these policies will have an impact on the lower economic groups within Oxford.

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<sup>1</sup> <http://www.birminghammail.co.uk/news/midlands-news/oxford-looking-house-needy-families-6840820>

10. The use of Additional Licensing which is landlord/property based, will not resolve many of the issues which are caused by tenants – they are tenant based issues. Landlords have limited powers in addressing these as any direct action by the landlord to address issues such as ASB can be stated as being harassment by the tenant.
11. The council has already had this scheme in place for five years. If the scheme has been a success, why does the council need to keep it? The council has brought all the properties up to standard. If it has not why is the council undertaking a scheme that has failed?
12. We are disappointed by the councils attempt to misuse statistics within the proposals.
13. The NLA believes that any regulation of the private rented sector needs to be balanced. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate. The last thing good landlords and tenants need is additional costs.
14. Again, the NLA would like to thank Oxford Council for the opportunity to respond to this consultation and hope you find our comments useful.

## APPENDIX 5 – RLA RESPONSE

20<sup>th</sup> August 2015



By e-mail: [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk)

Adrian Chowns  
HMO Enforcement Team Manager  
Oxford City Council  
109 St Aldate's Chambers,  
St Aldate's,  
Oxford,  
OX1 1DS

1 Roebuck Lane,  
Sale, Manchester M33 7SY  
Tel: 0845 666 5000  
Fax: 0845 665 1845  
Email: [info@rla.org.uk](mailto:info@rla.org.uk)  
Website: [www.rla.org.uk](http://www.rla.org.uk)  
Facebook: [TheRLA](https://www.facebook.com/TheRLA)  
Twitter: [@RLA\\_News](https://twitter.com/RLA_News)

Dear Mr Chowns

### **REVIEW OF LICENSING OF HOUSES IN MULTIPLE OCCUPATION 2015** **RLA CONSULTATION RESPOSNE**

Thank you for the opportunity to respond to the above consultation. The RLA has a concerns about licensing schemes in general, and a number in relation to the continuation of the Oxford scheme.

#### **General concerns:**

- i. Discretionary licensing often entails much bureaucracy, time, effort and expense is taken up in setting up and administering schemes; rather than spending it on the ground and flushing out criminal landlords.
- ii. Discretionary licensing is not being used for its intended purpose of a short period of intensive care; rather it is being used by the back door to regulate the PRS.
- iii. The level of fees which are ultimately passed on to tenants to pay is a major worry so far as it affects landlords.
- iv. We believe that a significant number of landlords are still operating under the radar without being licensed.
- v. As always it is the compliant landlord who is affected by the schemes. They pay the high fees involved but do not need regulation of this kind.
- vi. There is little use of "fit and proper person" powers to exclude bad landlords.

#### **Specific concerns**

##### **Government Review of HMO Licensing**

We believe that any decision to continue with additional licensing of HMOs in Oxford is premature, in light of the Government's plans to review mandatory licensing and HMO

definitions. Oxford's scheme could very quickly be superseded by a new mandatory licensing regime, or HMO definition, wasting time and money of landlords and the Council.

### **Independent Verification of Data**

We are concerned that there appears to be no external evaluation of the licensing scheme, independent verification of the data presented in the reports to elected members or of the option appraisal.

### **Room Sizes**

Following *Clark v Manchester City Council*, while councils can offer guidance on what area it considers too small for an adult bedroom, it cannot adopt mandatory standards non-compliance with which would result in a determination that a house was not suitable. What is required in each case is a consideration of the room and the property as a whole on their merits, rather than by reference to a fixed minimum floor area.

### **Standards**

Oxford's licensing standards are, in many cases, excessive. Areas that give concerns are: requirement of tiling of bathroom splashback and shower cubicles, when other solutions are available; specification for equipment for kitchens and bedsits, such as a minimum fridge size of 130l litres for a bedsit.

### **Costs**

For landlords, the cost of licensing in Oxford is at the higher end of the scale. At present the lowest cost over the five years of the scheme is £1120 for accredited landlords only (initial one year licence at £712 and two two-year renewals at £208 each). Most landlords will pay much more.

### **Accreditation**

We believe that should include accreditation schemes other than those operated by the City Council and the NLA. For example, the RLA operates a national accreditation scheme, RLAAS, that meets the requirements of the London Accreditation Standard, likewise the DASH accreditation scheme in the East Midlands. This would allow more landlords to access reduced fees.

Again, thank you for giving consideration to the RLA's concerns.

Yours Sincerely

John Stewart

POLICY AND COMMUNICATIONS MANAGER

## **APPENDIX 6 – CAB RESPONSE**

**From:** Frank Newhofer [<mailto:frank@newhofer.freesevice.co.uk>]

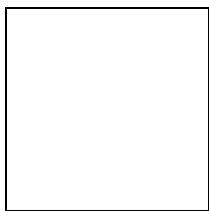
**Sent:** 03 August 2015 14:04

**To:** HMOs

**Subject:** additional comments to HMO consultation from Oxford CAB

We have completed the on-line consultation on the 'Review of Licensing of HMOs' and submit the following additional comments:

From our caseload in 2014/15 we have seen the following range of issues in relation to the private rented sector:



Clients have told us of serious problems with:

- poorly managed properties where health risks caused by disrepair are not addressed
- retaliatory evictions as a result of complaints being made about the state of properties
- failure to protect and return tenancy deposits
- frauds and scams around the availability of private rented accommodation
- we very strongly support the Council's Option 3 to renew the licensing scheme. Consideration might be given to increase the flexibility within the scheme so that landlords who have proved themselves to be good landlords can derive benefit in terms of lower fees and/or longer accreditation. Consumer protection for private renters is indeed very poor and all measures that have the potential to bring pressure to bear on landlords to manage their properties safely and more effectively are very welcome

Frank Newhofer  
Oxford CAB

## **APPENDIX 7 – OCF RESPONSE**

**Date: 24<sup>th</sup> August 2015**

**Topic : HMO Consultation 2015**

### **Accreditation**

- Accreditation should be made easy, less bureaucratic; it is becoming more complicated and confusing. Criteria used for accreditation should be certified.
- Lack of awareness among landlords and too much bureaucracy in application, HMO + Accreditation.
- Accreditation license period of 3 to 5 years for accredited landlords.
- Conditions of houses: new officers to be more aware of laws and guidelines.
- HMO applications need to be simplified. Online system needs to improve and should be simplified. There should be a summary before the form is submitted.

### **Guidance/Guidelines (Not Standards)**



- The HMO policy requirements are used as strict standards therefore the officers are enforcing the rules as strict standards and not showing flexibility.
- We believe that the HMO policies are a set of guidance/guidelines and should not be perceived as strict standards. The problem with standards is officers do not show any flexibility and rigidly follow the standards.
- No cohesion between different officers, different advice and different criteria.
- Guidelines to be set in aid to help landlords in future HMO applications.
- This should be clarified to new officers that these rules should be guidelines, depending on varied circumstances from property to property.
- Adopt a policy of training new staff using new HMO rules (especially on the condition of properties and renovation) as 'guidelines/guidance', and not 'standard.'
- Officers should be aware of these guidelines.

## **General**

- Officers informed that there is a thought of introducing a league table based on performance of managing agents and landlords. What are the criteria for the league table?
- Back log of issuing licenses.
- General attitude of the council staff needs to be improved.
- We were informed by the officers that the initial perception of OCC was that there were 3000 HMOs in the city; the actual figure is could be as much as 7000 HMOs. Where was this figure retrieved from? Is it based on factual evidence? Why wasn't the figure used in the 2010 consultation?
- Various criteria by officers: training will be required, what kind of training is provided?
- Rogue landlords should be perused and targeted.

## **Tenants**

- Visiting student houses.
- Tenants ought to be responsible for the issues caused by them.
- Homelessness: increasing due to smaller HMO licensing.

- Families attempt to become intentionally homeless by not maintaining the property and then reporting the issues to environmental health. Environmental Health unwittingly helps the tenants to apply for council housing.
- Clarification on the guidelines on issues such as: landlord lets the house to a family; the family sublets the house/rooms, environmental health becomes aware and informs the landlord. Now the landlord cannot issue a Section 21 notice without a HMO application. Neither the landlord nor the tenant is willing to apply for a HMO license.

With the scenario above, what measures should be taken to sort out this issue? If the tenants sublet the property, the responsibility should be on the tenant to apply for HMO and not the landlord.



# **Overview of HMOs and Licensing in Oxford**

**Adrian Chowns**

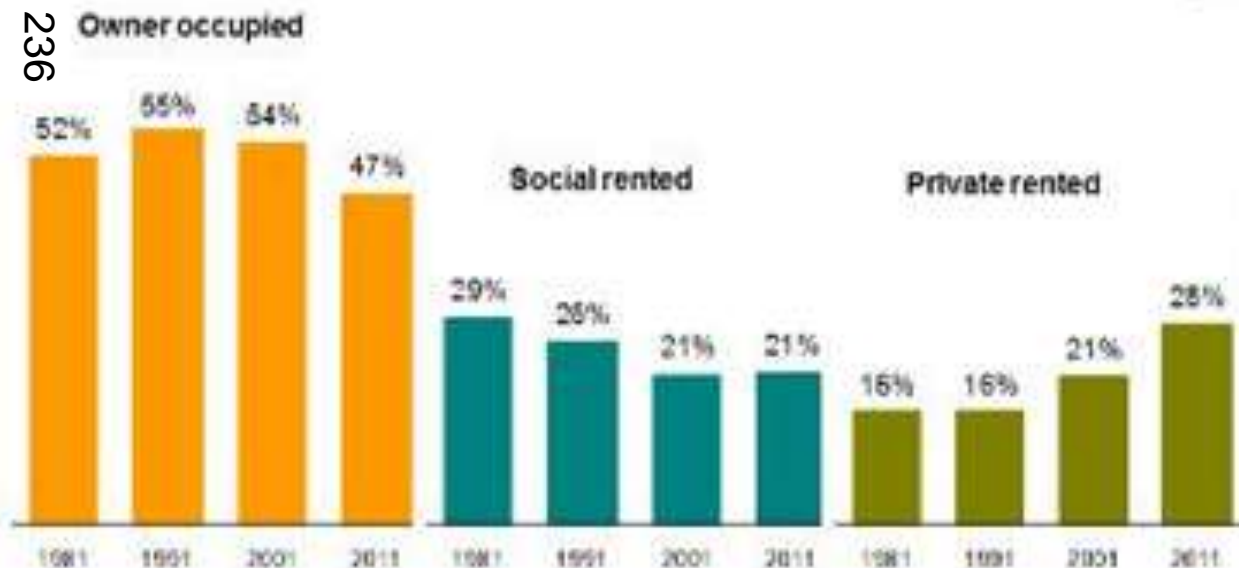
**HMO Enforcement Team Manager  
Oxford City Council**

# Oxford PRS

## More households now rent rather than own their home

Over the last 20 years the proportion of Oxford households who own their home has declined from 55% in 1991 to 47% in 2011. Whilst the proportion who live in social rented property (rented from the council or a housing association) has declined since 1991, the proportion of households living in private rented homes has almost doubled from 16% to 28% - meaning that as of 2011 more households rented than owned their home.

### Housing tenure of Oxford households, 1981 - 2011



# Oxford HMOs

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





# Oxford City Council

- The Council's ambition is for Oxford to be a *'World Class City for Everyone'*...
- Council has five priorities which directly address the needs of the City
- Key driver is *'Meeting Housing Needs'*
- Improving standards in the Private Rented Sector



# Environmental Health Service

- Environmental Health Service “*seeks to protect and sustainably develop the environment for all people living, working and visiting the City*”..
- Through Education, Engagement and Enforcement
- Working with landlords since the mid 80`s to improve conditions within the HMO stock
- Dedicated team developed in 1990 to tackle growing problems in the City



# Environmental Health Service

- Continued approach since with a variety of interventions to tackle problems in the HMO stock
- In 1999 the Council introduced a registration scheme
- Resulted in the migration of rental properties to other parts of the City
- Some landlords and agents tried to evade regulation
- More recently Landlord Accreditation





# Licensing – The Early years

- Dedicated teams proactively worked on mandatory licensing of HMOs
- Implemented a rigorous approach to processing the requirements of the legislation
- 241 • Insisting that the licence must be more than just a piece of paper
- Used to upgrade each property to a decent standard



# Licensing – The Early Years

- Enabled the Council to have a positive impact on the condition and management of 581 properties
- Where compliance was not achieved enforcement was pursued
- Giving tenants and neighbours confidence that the Council are serious about addressing issues around HMOs



# Licensing – The Early Years

- Council had used existing powers to their full extent
  - Took more prosecutions against landlords than any other Council in England or Wales
- 243 But still wasn't enough and concluded that more needed to be done...
- Introduced additional licensing of HMOs enabling a reactive and proactive approach to the whole of the HMO sector



# Additional Licensing of HMOs

- In 2010 Oxford City became the first Local Authority to designate the whole of its area subject to Additional Licensing of HMOs
- This is a power provided within the Housing Act 2004
- Scheme operates for 5 years with Phase 1 commencing on the 24<sup>th</sup> January 2011 and Phase 2 on the 30<sup>th</sup> January 2012



# Purpose of Licensing

- Additional Licensing in Oxford provides a mechanism to secure the improvement of all of the HMO stock in the City and is a significant undertaking by the Council.
- When it was first introduced the overall purpose of the licensing scheme was to: *‘alleviate the housing situation by setting and maintaining minimum standards across the city in the most vulnerable sector of Oxfords private rental market’*.



# Future of Licensing

- Under s.60 (3) of the Housing Act 2004 *‘a local housing authority must from time to time review the operation of any designation made by them’*
- This review fulfils the responsibility under the legislation but also provides the Council with a progress report which will be used as a platform for considering the future of the scheme.



# Where are we now?

- Review complete and reported to City Executive Board in June 2015
  - Approved findings of review and proposal to renew scheme in its entirety
- 247 10 week statutory consultation commenced on 15<sup>th</sup> June 2015 ends on the 24<sup>th</sup> August 2015





# The good, the bad, the ugly side of HMO Licensing

Dawn Cox, Team Leader, HMO Licensing Team

Katherine Coney, Principal Lead Officer, HMO  
Enforcement Team





# Our experience of applicants and licence holders

- The Good - makes applying and retaining a licence easier for all parties concerned
- The Bad – makes applying and retaining a licence more costly and may lead to enforcement
- The Ugly – leads to enforcement, intervention and prosecution



# The Good

## NEW Licences

- Application form is fully completed
- All requested documents and fees are submitted within the required deadlines
- Proposed licence holder and/or manager are fit and proper
- House meets the required standard or is able to meet the required standard subject to conditions being applied to that licence



# The Good

## EXISTING Licences

- We are informed of any material changes as they happen ie: third parties and their contact details
- We are informed of any issue for complying with a condition ie: more time required
- Appointments to visit the property to check compliance with conditions are timely
- Upon re-inspection the conditions have been complied with



# The Good...

## RENEWED Licences

- Application form, all requested documents and fees are submitted within the required deadlines
- 252. • All conditions have been discharged (complied with)
- No justified service requests (complaints)
- Accredited by the NLA or OCLAS



# The Good...

- HMO Enforcement Team don't get involved



# The Bad...

Not necessarily avoiding responsibility...

- just don't keep us informed, and/or

254 don't do things on time



# The Bad

## NEW Licences

- Application form is not fully completed and important information missing. Further requests for information are 'drip fed'
- Requested documents and fees are not submitted within the required deadlines and we are not informed of any difficulties
- Proposed licence holder and/or manager are not fit and proper
- Proposed licence holder and/or manager are not the most appropriate person(s)





# The Bad...

## EXISTING Licences

- We are not informed of any material changes as they happen i.e.: resulting in third party information being inaccurate for the renewal declaration – frustrating for applicants and causes delays
- We are not informed of any issues with meeting conditions: if further time is required we may be able to vary the licence and delay the re-inspection (Note: the re-inspection must occur during the life of the licence)
- Appointments to visit the property to check compliance with conditions are delayed resulting in renewal information not being clear i.e.: two different fees quoted (and not able to offer a two year licence at that stage)





# The Bad...

## RENEWED Licences

- Application form, all requested documents and fees are not submitted within the required deadlines
- There are outstanding conditions
- There may have been some justified service requests (complaints)



# The Bad...

- And when the Licensing Team have done all they can and the applicant / licence holder still hasn't complied.... Over to the HMO Enforcement Team



# The Bad...

- Failure to send in documentation for an application – it will be invalid! It is an offence to make an invalid application
  - Failure to send in gas or electrical certificates when requested – it is an offence under Management Regulations
- 259 We will write to the landlord to explain the seriousness and if they still don't comply....



# The Bad...

- Interview under caution – establish has an offence been committed?
- Refusal to grant licence because we don't have confidence in management
- Possible prosecution or caution if an offence has been committed! Then you would not be Fit and Proper and wouldn't be able to hold a licence
- We would revoke / refuse all licences
- Someone else needs to hold a licence for you or if you don't find someone else we consider suitable then Council will make an interim management order where the Council take over the management of the property
- All for not sending in something when asked!



# The Bad...

- Failure to complete work required as a condition
- It is an offence to fail to comply with any condition on a licence
- Not done on first inspection – may carry over the work to the next licence. This means landlords are charged a higher fee.
- Second re-inspection – still not done...
- Interview under caution – has an offence been committed?
- Possible prosecution or caution!
- Then you would not be Fit and Proper and wouldn't be able to hold a licence
- Revocation of all existing licences
- Could lead to an Interim Management Order (IMO)



# The Ugly....

- Those landlords that ignore their legal responsibilities
- Don't apply for a licence
- Poor conditions
- Over - occupied



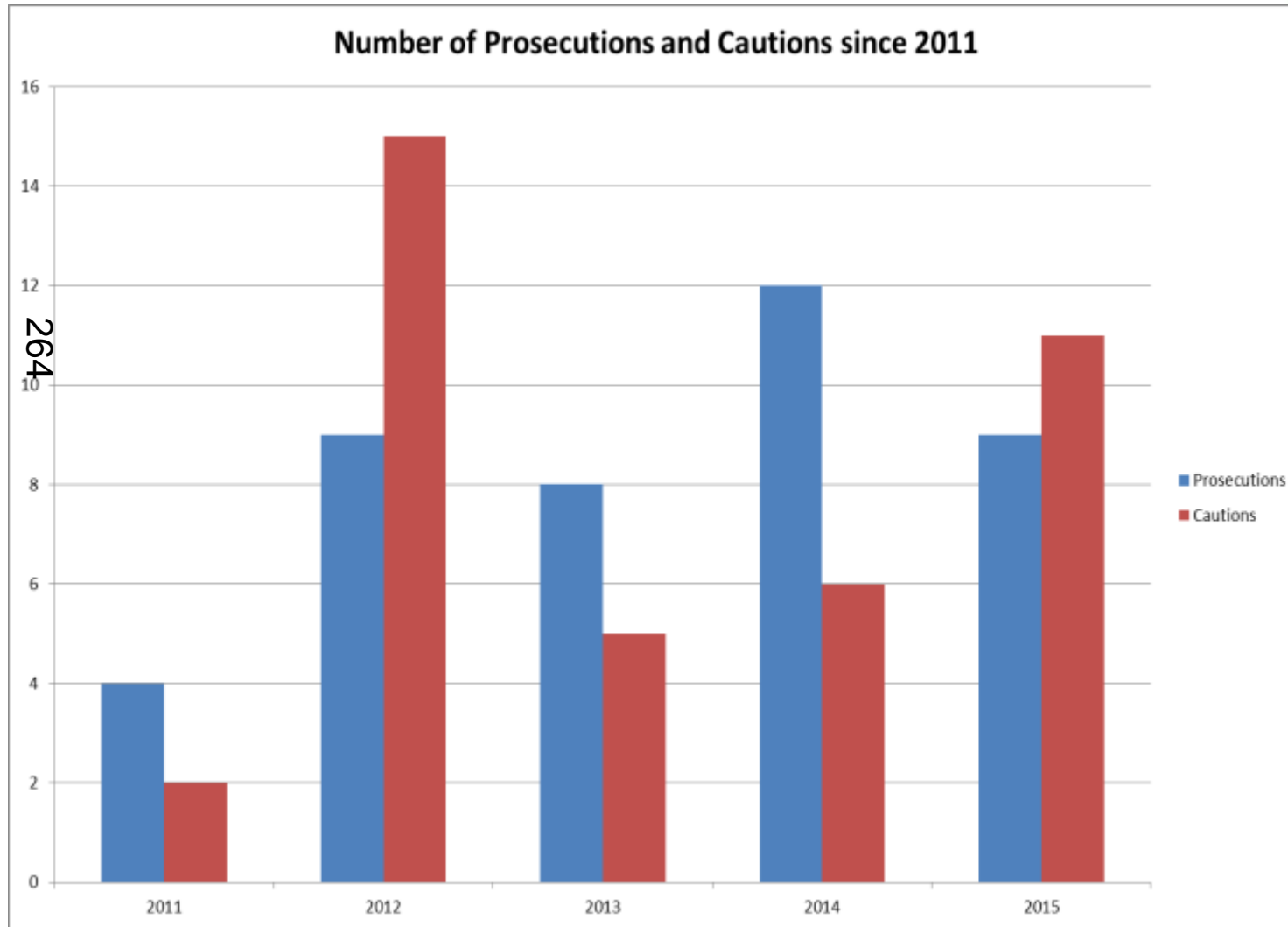


# The Ugly...

- Prosecuted 42 landlords / agents for HMO related offences
- Issued 39 formal cautions
- 129 offences in total
- Over £161,000 in fines
- Over £35,700 in costs



# The Ugly...

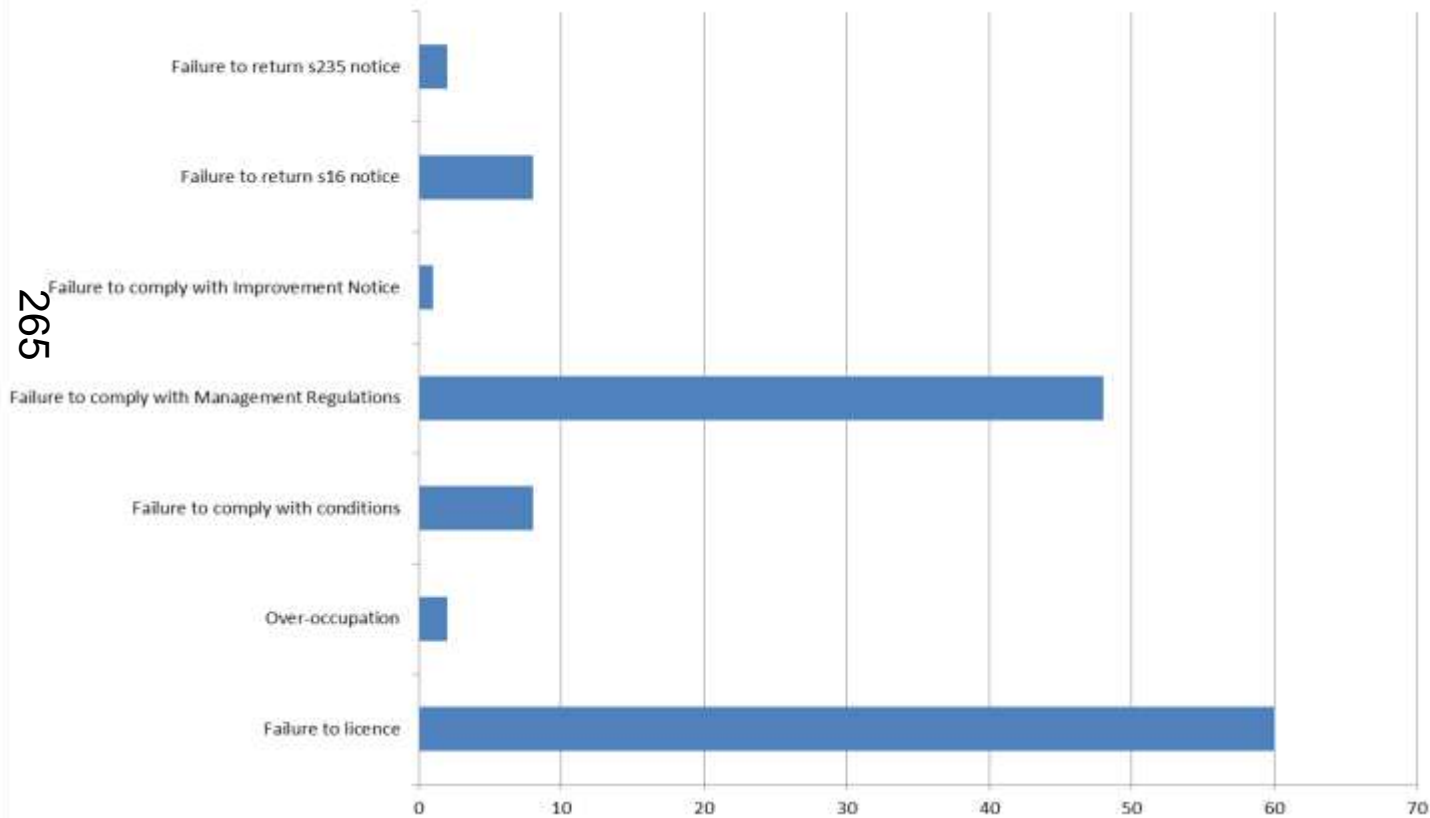




# The Ugly...

265

Number of offences since 2011



# The Ugly...

## Caution or prosecution leads to:

- Person who has committed the offence not being fit and proper
- Any one associated with them being not fit and proper e.g. husband / wife / business partner
- Refusal / revocations of licences
- New application needed (full fee)
- New licence holder cannot be related to applicant
- If no application is made, the Council can take over the management of the property for five years
- The Council has made 4 Interim Management Orders since 2011



**Thanks**  
**Any questions**



# Blind Licensing – 1, 3 or 5 year licences

Katherine Coney, Principal Lead Officer, HMO Enforcement Team



# 1, 3 or 5 year licences?

- The scheme is currently an annual licensing scheme
- Introduced 2 year licences to recognise accredited landlords who complied with all their conditions, submitted applications promptly and fully completed and where there were no complaints from tenants
- Possibility of having longer licences with the renewed scheme



# 1 year licence - default

- **Scheme remains as annual licence**
- **Default is to get a 1 year licence**
- **Where we have concerns about the management of the property e.g.**
  - outstanding conditions,
  - reminders needed to submit applications or documents,
  - On re-inspection we find lots of repair problems leading to new conditions and further re-inspection,

270



# 3 year licence – some ideas

- **To recognise and reward good landlords and agents who are:**
  - Accredited (OCLAS / NLA)
  - Attend one Oxford run training event each year
  - Make full applications on time and made valid quickly
  - All documents submitted and are current
  - On re-inspection find less than 3 new repair issues that could be due to tenant behaviour
  - No more than 2 service requests about the property received by Oxford

271





# 5 year licences – some ideas

- Applications submitted on time and made valid without need for reminders
- Fee and documents submitted on time
- All conditions completed
- No new conditions
- No service requests received about the property
- Have completed your own Fire Risk Assessment





# Other considerations

- Does this apply to each landlord or each property?
  - Licences could be varied e.g. if standards slip we could vary the licence from 3 year to 1 year
  - Where there is improvement, you could move up a level
- 273 Risk rate conditions e.g. fire safety / poor conditions may lead to a 1 year licence whereas minor decoration would be accepted under a 3 year licence



# Key Findings from Review

**Adrian Chowns**  
**HMO Enforcement Team Manager**



# Why Review?

- Under s.60 (3) of the Housing Act 2004 *‘a local housing authority must from time to time review the operation of any designation made by them’*
- This review fulfils the responsibility under the legislation but also provides the Council with a progress report to use as a platform for considering the future of the scheme.



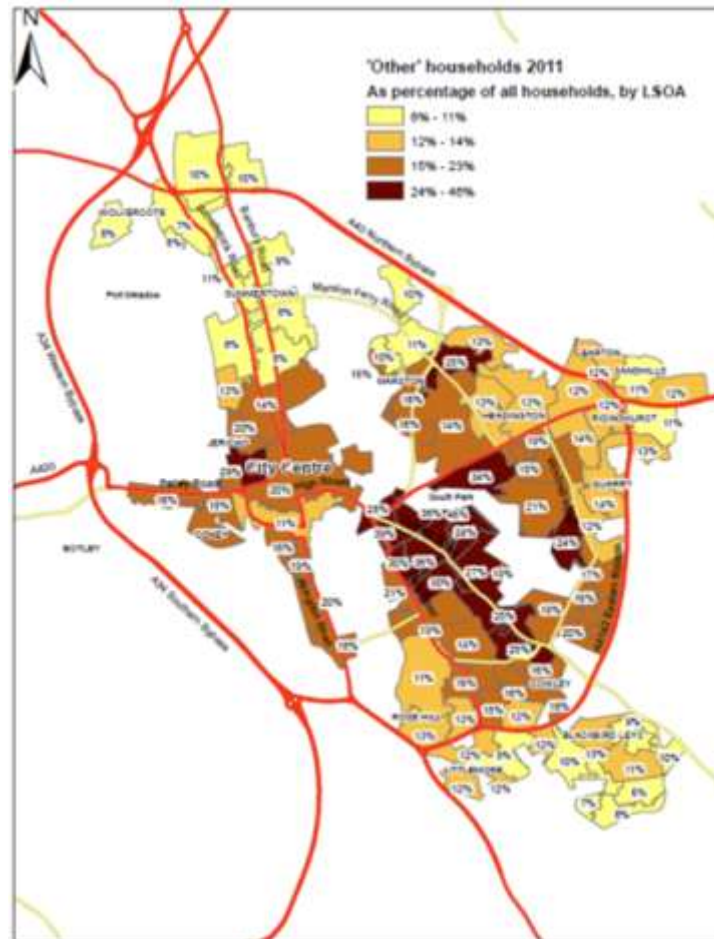
# Scope

- Profile of HMOs
- Licensing
- Compliance
- Incentives
- Enforcement



# Profile of HMOs

- Growth of PRS in Oxford
- HMOs currently make up approx. 44% of stock
- Around 7,000 HMOs
- Increase of 36% over past 6 years



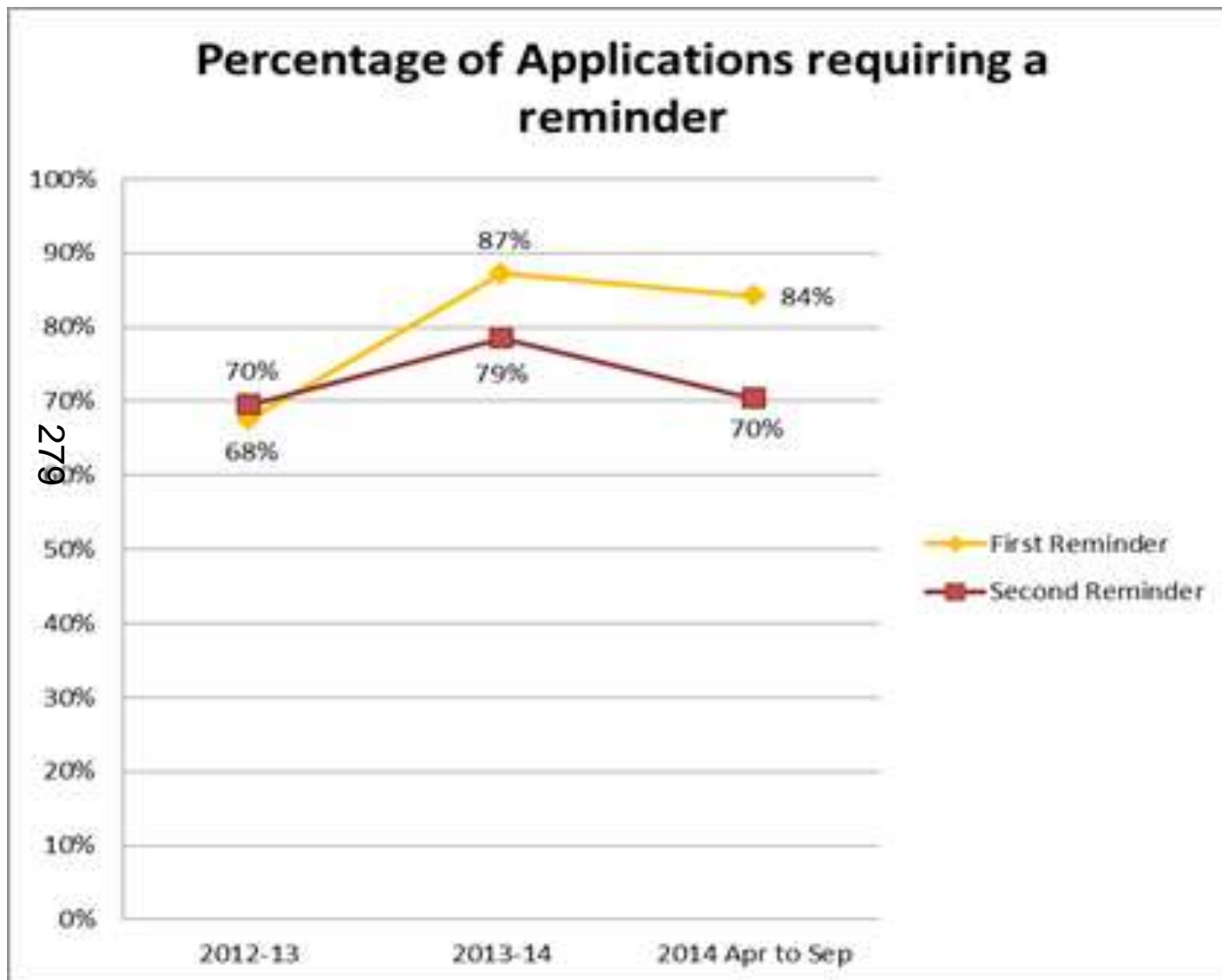
# HMO Licensing Overview

- Licensed some 3,500 HMOs
- Processed over 7,000 applications (new and renewals)
- 278 Attached around 80,000 conditions to licences
- Over 19,000 visits carried out to HMOs
- 100`s of investigations

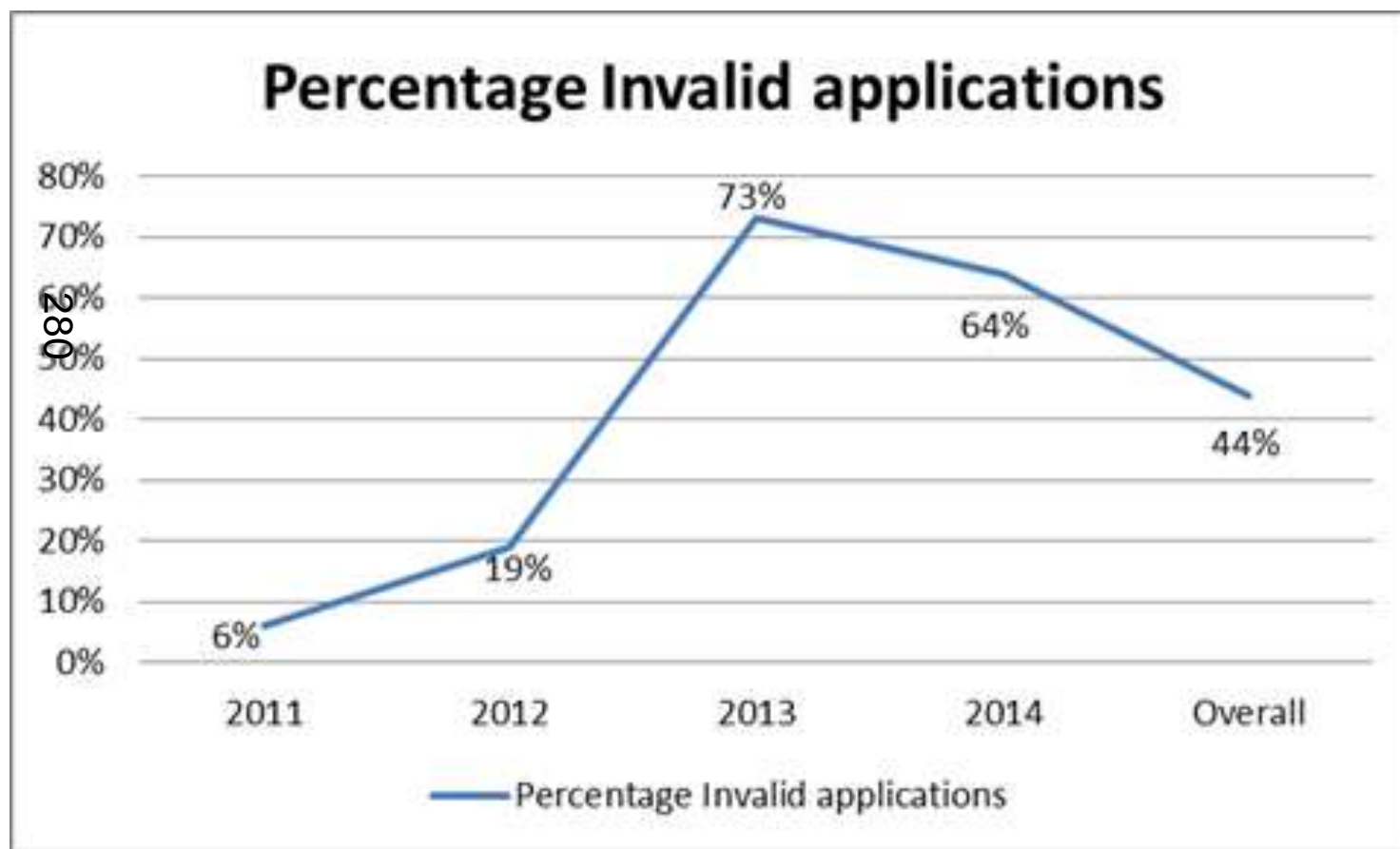




# Reminders



# Invalid applications





# Conditions

- **Section 67 HA 2004**
- **Council considers appropriate**
  - Management, use and occupation
  - Condition and contents

281

## **May in particular include**

- Restricting numbers
- Prevent or reduce ASB
- Providing facilities and equipment
- Keep facilities and equipment in good repair
- Completing work within specified periods



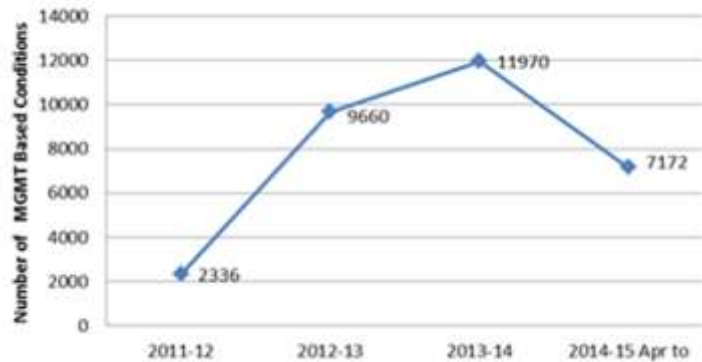
# Conditions

- **Mandatory**

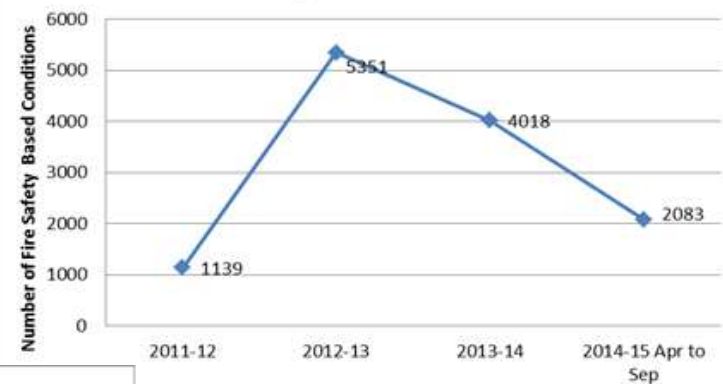
- Gas certificate every 12 months
- Electrical appliances and declaration
- Furniture and declaration
- Smoke alarms installed and kept in proper order and declaration
- Written statement of terms on occupation



## Legal and Standard Conditions



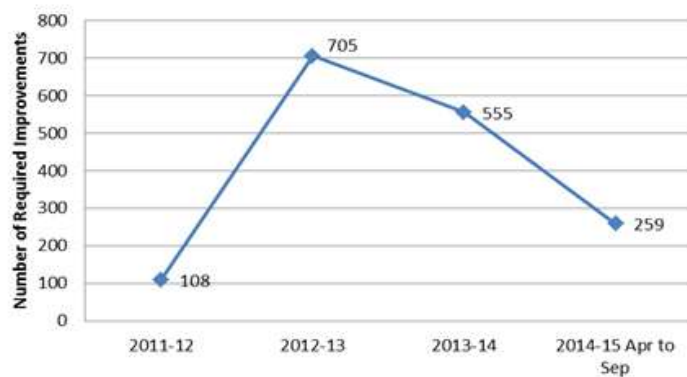
## Fire Safety based Conditions



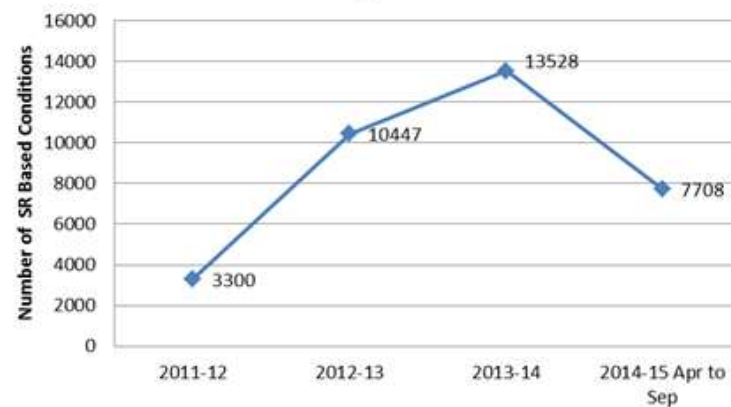
## Average Conditions per Licence



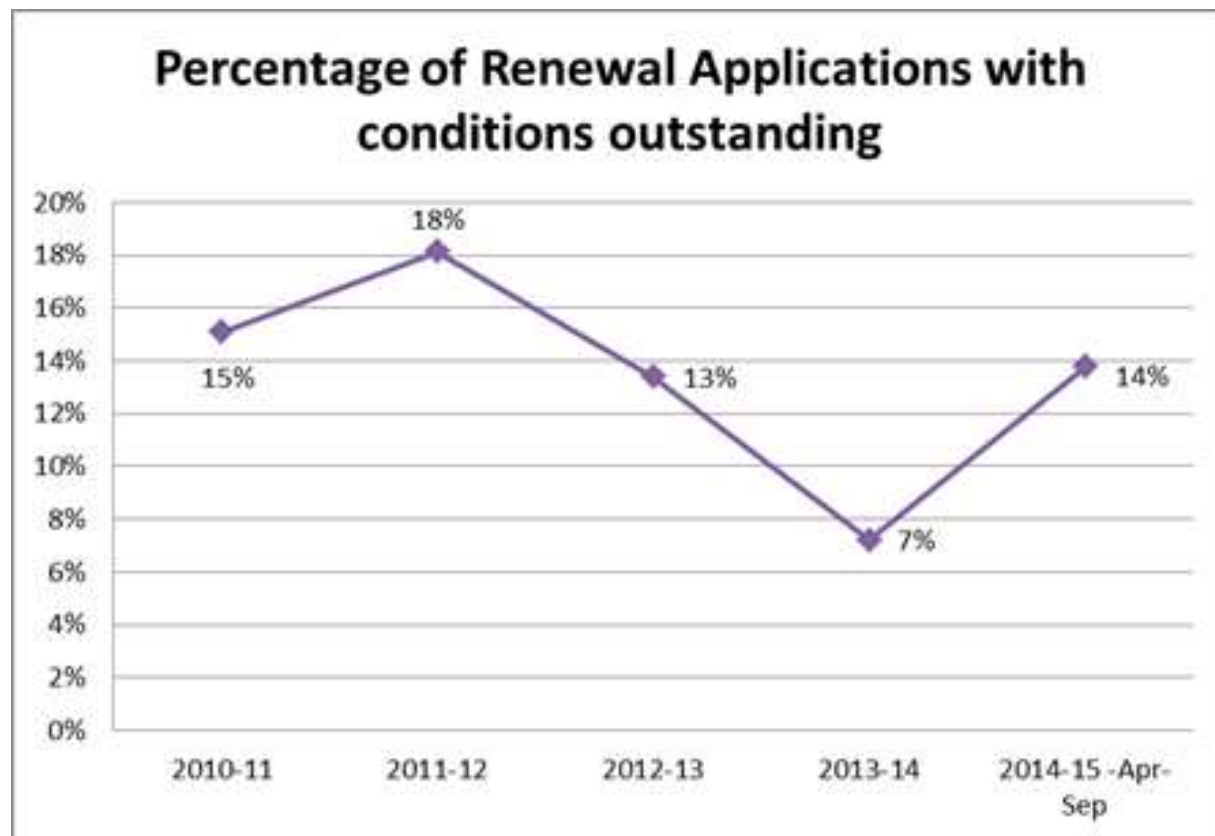
## Amenities and Facilities based Conditions



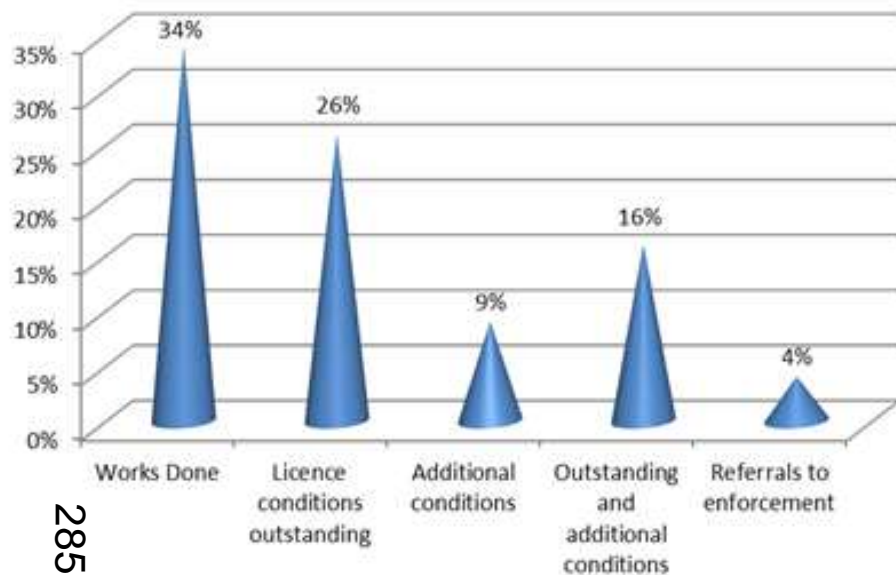
## Health and Safety based Conditions



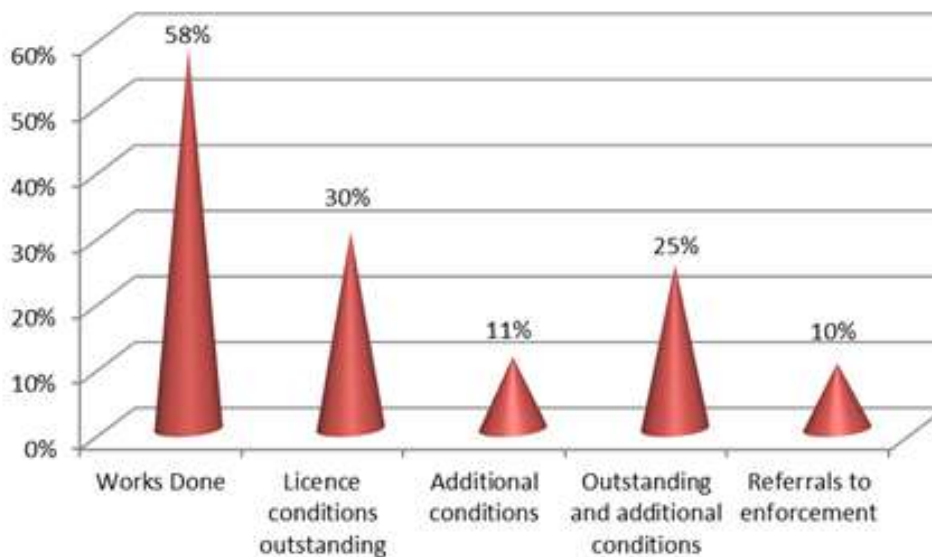
# Compliance rates



# Compliance rates



285





# Investment

- Estimated approximately £3.2 million invested in HMOs in the City.

286

Equates to £930.00 per licensed HMO over past 4 years

- Average investment annually grew up to 2014.
- Dramatically reduced in 14/15



# Fees and Incentives

- No fee or limit set by Government
- Up to Council to calculate costs
- Consider staff costs, training, inspections, administration and publicity
- Council sets its licence fees and if appropriate may decide to subsidise licence fees in some cases



# Fees and Incentives

- OCC introduced Scheme as self financing
- Fees and charges reviewed regularly

288 In early years fees increased with inflation

- 2014 significant change
- Simplify approach
- Acknowledge that no time difference based on size of HMO





# Fees and Incentives

- New structure
- Acknowledged less time spent with 'good' landlords
- Higher fee for 'confidence in management'
- 2 year licence for accredited landlords/agents



# Fees and Incentives

- Landlord accreditation
- Improve condition and management of PRS

290 Free to join

- Requirement to attend one day training
- Provides an opportunity for landlords to become better at managing and maintaining properties in the PRS under their control without the need for the Council's to intervene.
- In 2014 ...94 Landlords and Agents have taken up accreditation.. Current membership 77



# Enforcement

- Proactive approach to enforcement
- Took more prosecutions than most other LA`s
- 100`s of investigations
- 291. 33 successful prosecutions in the past 12 months
- £110k fines
- Interim Management Orders



# Enforcement

- Historically focussed on unlicensed HMOs
- Non compliance cases informal approach
- Formal action in handful of cases
- Losing licence great concern
- Steps taken to remedy without legal intervention



# Recommendations

- Scrutiny Panel considered report to June City Executive Board
- City Council renews the HMO licensing scheme in its entirety for a further 5 years
- Consideration should be given to appropriate incentives and disincentives for landlords
- Balance between taking a more pro-active approach to compliance
- Continuing efforts to extend the licensing scheme to cover more HMOs.



# Next Steps

- Statutory 10 week Consultation (minimum period)
- Consultation commenced 15<sup>th</sup> June
- Concludes 24<sup>th</sup> August
- Variety of activities



# Consultation

- Web based questionnaire for all  
<http://consultation.oxford.gov.uk/consult.ti/hmolicensingreview/consultationHome> – link on Oxfordshire District Councils
- Roadshows - aimed at general public completed during June/July
- Second Phase of Roadshows commencing 27 July at Cowley library and Oxford central library
- 28 July at Headington library
- 29 July at Blackbird Leys library
- Similar events TBC at Summertown and Old Marston libraries





# Consultation

- Meetings with Residents and Councillors - ongoing
- Flyers and posters – distributed to local agents, community centres, libraries, Council offices
- Newspaper adverts – ongoing in Oxford Mail, Times
- Social media updates
- Advert on email signatures
- Landlord Information Exchange – Today!  
Proposed second event in Aug





## APPENDIX 9 – POSTERS, FLYERS AND NEWSPAPER ADVERTS



**HMOs**  
**Tenants, Landlords and Letting Agents**  
**Please Tell Us Your Views ...**

**Consultation 15 June to 24 August**

Oxford City Council is consulting on the future of the HMO licensing scheme that operates across the whole of the City of Oxford

An HMO is any private sector rented accommodation that is occupied by three or more people who form more than one household. We would like to hear your views on Oxford's HMO licensing scheme if you are:

- currently a tenant or have been a tenant of an HMO in the last 5 years
- a landlord or have an interest in becoming one
- a letting agent or involved in the management of HMO properties.

**To have your say:**

- Visit: [www.oxford.gov.uk/consultation](http://www.oxford.gov.uk/consultation)
- Email: [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk)
- Call: 01865 252211

**You can also see us in person at our roadshows:**

● 24 June	10.00 to 12.00	Courtland Road, Rose Hill
	14.00 to 16.00	Templars Square, Cowley
● 25 June	10.00 to 12.00	Underhill Circus nr Neighbourhood centre, Barton
	14.00 to 16.00	London Road, Headington
● 29 June	10.00 to 12.00	Atkyns Road, Wood Farm
	14.00 to 16.00	Blackbird Leys Road, Blackbird Leys
● 30 June	10.00 to 12.00	Banbury Road/Oakthorpe, Summertown
	14.00 to 16.00	Old Marston Road nr No.s 10-15, Marston
● 1 July	10.00 to 12.00	Cowley Rd near Manzil Way, East Cowley
	13.00 to 15.00	Cowley Rd near Manzil Way, East Cowley
● 2 July	10.00 to 12.00	La Marsh Road, Botley
	13.00 to 15.00	La Marsh Road, Botley
● 6 July	10.00 to 12.00	Clarendon Centre, City Centre
	14.00 to 16.00	Walton Street, Jericho

**Landlord's Information Exchange**  
**Kassam Stadium, 21 July 2015, 9.30am to 4pm**  
Landlords and prospective landlords come and join us in person at an exchange of advice, ideas and discussion on the future of HMO licensing in Oxford

**Building a world-class city for everyone**



# HMOs



**Consultation 15 June to 24 August 2015**

To have your say visit: [www.oxford.gov.uk/consultation](http://www.oxford.gov.uk/consultation)

**Landlord's  
Information  
Exchange**

Kassam Stadium  
21 July 2015  
9.30am to 4pm

www.oxford.gov.uk



**OXFORD  
CITY  
COUNCIL**

## Are you interested about Houses in Multiple Occupation (HMOs) in Oxford?

*Do you own, manage or let HMOs in Oxford? Have you lived in an HMO in the past 5 years? If so then read on....*



An HMO is any house or flat that is occupied by three or more people who form more than one household.

A household may be

- a single person or
- several members of the same family.

For example: a house occupied by a brother, sister and one other unrelated occupant would be an HMO.

*The Council is consulting on the future of the HMO licensing scheme that operates across the whole of Oxford city and would like to obtain your views.*

### How can I get involved?

- ⇒ Complete an online questionnaire at [www.oxford.gov.uk/PageRender/decCo/Consultation.htm](http://www.oxford.gov.uk/PageRender/decCo/Consultation.htm)
- ⇒ Email [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk) and express your interest in being involved
- ⇒ Contact us about coming along to forthcoming roadshows in your area during June and July

www.oxford.gov.uk



Want to contact us or comment?

Call us on 01865 252211.

Email: [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk)

[www.twitter.com/  
OxfordCity](https://www.twitter.com/OxfordCity)

[www.facebook.com/  
OxfordCityCouncil](https://www.facebook.com/OxfordCityCouncil)





# Motorway network is helping crime gangs target county for rural thefts

Firms suspect machinery is transported to eastern Europe then re-sold

By Peter Hargreaves  
@peterhargreaves

OXFORD, south-east Oxfordshire has been hit by a wave of rural thefts, with the county's motorway network being targeted by criminals.

Recent statistics have shown that the county's motorway network is being targeted by criminals, with the county's motorway network being targeted by criminals.

Last week, the National Police Crime Centre (NPCC) released a report that the county's motorway network is being targeted by criminals.

The NPCC report said that the county's motorway network is being targeted by criminals, with the county's motorway network being targeted by criminals.

It said: "There appears to be a growing trend where rural thefts are being targeted by criminals, with the county's motorway network being targeted by criminals."

One message which has been sent by the report is that the county's motorway network is being targeted by criminals, with the county's motorway network being targeted by criminals.

The report also said that the county's motorway network is being targeted by criminals, with the county's motorway network being targeted by criminals.

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Gary Chapman, of Ford Ltd, near Thame. The firm has been a victim of rural crime

the firm to get a new one. It is also a victim of rural crime, with the county's motorway network being targeted by criminals.

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## Blue plaque is proposed to honour artist and architect

PLANS have been put forward for a blue plaque to honour an architect who died in Oxford and worked on several of its buildings.

John Charles Buckle (1872-1955), an architect, artist and antiquarian, lived in Oxford Street from 1905 to 1908.

His work included the design of the School of Architecture at Oxford, now a branch of the Oxford School of Architecture.

He also designed the Oxford School of Architecture, now a branch of the Oxford School of Architecture.

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## Former teacher dies fortnight after car runs light and crashes into her vehicle

A FORTNIGHT teacher from Abingdon died following a car crash in Turkey.

She died two weeks after a car ran a red light and crashed into her vehicle in which she was travelling.

The 49-year-old suffered serious injuries, but was seriously injured on the head.

She died two weeks after a car ran a red light and crashed into her vehicle in which she was travelling.

She died two weeks after a car ran a red light and crashed into her vehicle in which she was travelling.



Elizabeth Worsell

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**Redford City Council**  
15 June to 26 August 2015

**HMO Roadshow**  
Come and speak to Council staff to discuss HMOs and the current consultation

**17 August from 11am to 1pm**  
Summertown Library  
located near study tables in library

For further information contact:  
@ Email: hmo@oxford.gov.uk @ Call: 01865 252211

Tell us your views on HMOs in Multiple Occupation (HMO) Licensing scheme.

- At least 1 in 5 properties in Oxford are HMOs.
- At least 10% of properties in Oxford are HMOs.
- At least 10% of properties in Oxford are HMOs.

To have your say visit:  
[www.oxford.gov.uk/hmoconsultation](http://www.oxford.gov.uk/hmoconsultation)

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[illegible]

Three Musketeers, aged eight from Daneshworth, near Stratford, was among the visitors to the open day.

## Science centre takes first visitors in 10 years

The site, which includes the Rutherford Appleton Laboratory, opened its doors to allow people to find out more about research and

Organisers said 15,000 people visited over the course of Saturday. Visitors were able to view the Science and Technology Pavilion, Grand (STPG) central laser facility which contains the Vulcan laser.

The beast from the Vulcan is the equivalent size of taking all the fight the sun is shining on the Earth at any one time and hoisting it on the air hand.

## Nurse is struck after a secret affair with male patient

Employee kept a three-year relation

By Joe Garavito  
jgaravito@earthlink.net

A MENTAL health nurse who had a three-year relationship with a patient was indefinitely struck off from the profession.

Anna Wipulski started the relationship with a recovering heroin drug addict when he was discharged from the Leishman Mental Health Centre where she worked in June 2011.

The pair ended up sleeping together after a night out and had their relationship with Wipulski's managers at the Oxford Health West Warrington Trust

But when the pattern was re-admitted to the Phoenix House at the centre in 2012, Woodard noticed on giving her one-to-one care and taking her out on frigid skis.

found listing her as a refugee. It was not until December 2003 that she was found.

William Nelson, chairman of Mining and Millinery Council (NMC) Hines, to produce hearing, ruled that Wadich would be struck off the rolls.


He said, "Mr. Windsor should be struck off. That's the only decision that is both appropriate and appropriate in the circumstances of this case."

When I was based in Japan last year, Windach admitted, "I was a terrible fat bastard who

She said: "I don't believe the relationship had a negative impact on him. I can't believe anyone that knew him would see him as vulnerable."

Wladach, who did not give the hearing in chief, and admitted failing to recruit professional boxers, in an attempt to disclose her relationship with the patient, referred to

**Oxford City Council Consultations**  
15 June to 24 August 2015



**HMO Roadshows**  
**Come and speak to Council staff  
to discuss HMOs and the current  
consultation**

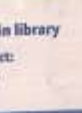
27 July from 10am to 12pm  
Cowley Library in the foyer room

27 July from 2pm to 4pm  
Oxford Central Library, 1st floor main library

28 July from 2pm to 4pm  
Headington Library, entrance hall

29 July from 2pm to 4pm  
Blackbird Leys Library, main library

For further information contact:  
● Email: [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk)  
● Call: 01865 252211



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## News

## ▲ Families and homeless tuck in at surplus food cafe

FOOD of pasta, lasagna and desserts feed the stomachs of those who called Oxford's newest Food Surplus Cafe.

About 300 people went to the East Oxford Community Centre to eat food that supermarkets or eaters would have otherwise thrown out, such as vegetables or salads that are edible but look unappealing to shoppers.

Oxford University student David Crompton was among 10 volunteers and said the kitchen included facilities, young people and the homeless.

The 25-year-old, who is studying a PhD in climate change and used to be in the ocean, said: "It was really fun to be in the kitchen and see how much food is thrown away."

"We served six different dishes including pasta, lasagna, salads and desserts. There were a lot of families, quite a lot of young people and a few homeless people."

"We moved on Monday night with loads of leftover food that we were handing over to the homeless."

The cafe, which has not been before in the community centre, said this year, had asked restaurants and shops around Oxford to help donate leftover goods and food.

People enjoying their meals were also given the chance to play through the week's news and to see any other news that was not on the other side of the coin.



FROM LEFT: Melissa Harris, 22, and David Crompton, 22, of the Oxford Food Surplus Cafe. From David Crompton, 22

## Steam and Vintage show set to return

WHEN The West Oxfordshire Steam and Vintage show returns this weekend, Vintage steam engines, historic cars, tractors, vintage airplanes, boats, and motorcycles will all come to the site of the 1945, near Durdley, in the south-west.

There is a working area where visitors can see the history of the show, the show is the successor of the Oxford Vintage Rally, which first ran in 1962 and lasted in 1967.

Only in 1971 for adults, 14 for senior citizens and children and free for under 10s. Full details about the weekend can be found on the website.

## Helping carnival

WICKHAM The Hammingford Centre (HCC) is participating in the Oxford carnival.

The centre, which offers support to people suffering from cancer, organised major performances for the day on June 27.

Children's choir and a group of singers who had taken part in Oxford's Glee Club earlier in the year and The Hammingford Centre will be performing.

Big bands, brass bands, and other groups will also be performing.

## Cemetery clean-up

WICKHAM A garden group is holding a work party to help maintain a cemetery.

The St. Dunstan's Garden Group will work on the site, off Watlington Street, for two hours from 10am to 12pm. All are welcome to attend and bring gloves and tools can be provided.

## Firefighter hangs up helmet for final time

Colin Keown



**GOODBYE:** Dad-of-three retires after 17 years of battling to extinguish blazes

A FIREFIGHTER who tackled blazes at Oxford's Police Station and the South Oxfordshire District Council (SoDO) has now retired after 17 years' service.

David Keown's first call out was in a Christmas Tree fire on Christmas Day 1998, which turned out to be a false alarm.

The dad-of-three, whose father and mother also worked in the fire service, started as a full-time firefighter at Oxford's Fire Station in 2000.

He said: "It's a difficult job but you get the satisfaction when you save lives."

"With being retired now it's a bit of a relief but I'll miss the camaraderie and the sense of duty."

My husband, who is a retired firefighter and usually works as a supervisor in the Hampshire Fire Service, is a firefighter.



David Keown, 40, and his family.

David Keown, 40, and his family are sitting together and smiling.

David Keown, 40, and his family are sitting together and smiling.

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David Keown, 40, and his family are sitting together and smiling.

Oxford City Council Consultation  
15 June to 24 August 2015



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For further information contact:

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● Call: 01865 252211

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## News

Like us on Facebook [facebook.com/oxfordmail](https://www.facebook.com/oxfordmail) Follow us @oxfordmail

## College takes over palace for student awards

STUDENTS, staff and family from Abingdon and Witney College attended the Student of the Year Awards at Wytham Palace.

A total of 90 students were given accolades for their efforts in subjects including engineering, vocational education, higher education and apprenticeship.

Mayor of Witney, Jim King was on hand in present awards including Student of the Year, which was given to David and Victoria student Emily Day.

Her father Helen Brown said: "This student has impressed me the most with her attitude, work ethic, drive and determination in school."

"Emily's time at college has been nothing short of phenomenal."

"From a shy and quiet teenager to a confident and dedicated young woman, we are proud of everything her friend and teacher have done for her."

College principal Trevor Baily said: "Our annual awards event is a very special evening, all about celebrating the achievements of students who have been chosen by their peers and their peers for their achievements."

"All of the winners are fantastic examples of students who have excelled in their chosen subject and beyond."

The event also featured a guest speaker from the Lord Lieutenant of Oxfordshire, John Hammersley.

## Girls try out hi-tech gadgets with guest engineers



Students, in groups, at last year's event in photograph (left) and (right) at the Oxford High School engineering event.

SCIENCE girls got the chance to try their hand at engineering with industry professionals.

Girls from Oxford High School, in Babbington Road, were invited to a staff-led/teacher-led

workshop to learn about engineering in their experience.

The students came from a range of Oxfordshire schools, including Thomas Winer, Garsington, Bisham, and Oxon Valley.

Paul Young, Director of the school, said: "The event is a great opportunity for students to learn about engineering in their experience."

The students came from a range of Oxfordshire schools, including Thomas Winer, Garsington, Bisham, and Oxon Valley.

technology, I want to be an architect, and my interests include art, music and physics. I use my technology for this and how it can be used in my future work."

**Oxford City Council Consultation**  
15 June to 24 August 2015

**HMOs**  
How should the Council ensure they are well managed and safe to live in?

Tell us your views on Houses in Multiple Occupation (HMO) Licensing scheme

- Around 1 in 5 people in Oxford live in an HMO.
- Almost 50% private rented properties are HMOs.
- Oxford has the 14th highest number of HMOs in the country.

To have your say visit:  
[www.oxford.gov.uk/consultation](http://www.oxford.gov.uk/consultation)

Your view is important to us and will help us improve and develop our services.

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## I'm cycling to Paris in memory of my wife

Kieran Davey

[kieran@oxfordmail.co.uk](mailto:kieran@oxfordmail.co.uk)

A FORMER RAF serviceman is taking on a gruelling 450-mile cycling challenge to raise money in memory of his late wife, Maria. Kieran Davey, 51, of Chipping Norton, will cycle from London to Paris in September to raise money for the charity, which is a charity for the RAF and has been set up for the past 20 years.

After 20 years, the charity will raise the funds to build a new RAF base in Chipping Norton, Oxfordshire, to be built in the late 20s or early 30s of the 21st century.

After retiring from the RAF, Kieran Davey, 51, of Chipping Norton, Oxfordshire, will cycle from London to Paris in September to raise money for the charity, which is a charity for the RAF and has been set up for the past 20 years.

**PEDAL POWER:** Ex-RAF man wants to raise £2,000 for the Royal British Legion



Kieran Davey is cycling to Paris in memory of his wife.

was not told when he was told that his wife had died.

Mr Davey said: "My wife died in December 2011. She died of cancer. I was told that she had died."

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of September in 2011, the man was told that his wife had died. He was not told when he was told that his wife had died.

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



Oxford City Council invites you to

# Landlords Information Exchange

**21 July 2015 9:30am to 4pm**

**Kassam Stadium, Grenoble Road  
Oxford, OX4 4XP**

**Landlords and prospective landlords  
come and join us at an exchange of  
advice, ideas and discussion on the  
future of HMO licensing in Oxford**

**To book a place and for further  
information contact:**

- Email: [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk)
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Your view is important to us and will help us improve  
and develop our services.





**Oxford City Council Consultation**

**15 June to 24 August 2015**

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



# HMOs



**How should the Council ensure they are well managed and safe to live in?**

**Tell us your views on  
Houses in Multiple Occupation  
(HMO) Licensing scheme**

- Around 1 in 5 people in Oxford live in an HMO.
- Almost 50% private rented properties are HMOs.
- Oxford has the 14th highest number of HMOs in the country.

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**Building a world-class city for everyone**

## Oxford City Council Consultation

15 June to 24 August 2015



# HMOs

**How should the Council ensure they are well managed and safe to live in?**

**Tenants, Landlords and Letting Agents  
Please Tell Us Your Views . . .**

Building a world-class city for everyone

## Oxford City Council is consulting on the future of the HMO licensing scheme that operates across the whole of the City of Oxford

An HMO is any private sector rented accommodation that is occupied by three or more people who form more than one household. We would like to hear your views on Oxford's HMO licensing scheme if you are:

- currently a tenant or have been a tenant of an HMO in the last 5 years
- a landlord or have an interest in becoming one
- a letting agent or involved in the management of HMO properties.

### To have your say:

- Visit: [www.oxford.gov.uk/consultation](http://www.oxford.gov.uk/consultation)
- Email: [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk)
- Call: 01865 252211

### You can also see us in person at our roadshows:

- **1 July** 10.00 to 12.00 Cowley Rd near Marzill Way, East Cowley  
13.00 to 15.00 Cowley Rd near Marzill Way, East Cowley
- **2 July** 10.00 to 12.00 La Marsh Road, Botley  
13.00 to 15.00 La Marsh Road, Botley
- **6 July** 10.00 to 12.00 Clarendon Centre, City Centre  
14.00 to 16.00 Walton Street, Jericho

### Landlord's Information Exchange Kassam Stadium, 21 July 2015, 9.30am to 4pm

Landlords and prospective landlords come and join us in person at an exchange of advice, ideas and discussion



## Oxford City Council Consultation

15 June to 24 August 2015



# HMOs

**How should the Council ensure they are well managed and safe to live in?**

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- Call: 01865 252211

### You can also see us in person at our roadshows:

- **29 June** 10.00 to 12.00 Atkyns Road, Wood Farm  
14.00 to 16.00 Blackbird Leys Road, Blackbird Leys
- **30 June** 10.00 to 12.00 Banbury Road/Oakthorpe, Summertown  
14.00 to 16.00 Old Manston Road nr Nos 10-15, Manston
- **1 July** 10.00 to 12.00 Cowley Rd near Marzill Way, East Cowley  
13.00 to 15.00 Cowley Rd near Marzill Way, East Cowley
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### Oxford City Council

Jianhua Wang, of Nicholson Road, Oxford, became our 50th successful prosecution when he was found guilty of failure to comply with HMO licence conditions and fined £3,300 at Oxford Magistrates' Court. He was also ordered to pay costs of more than £2,000.

The Council is currently consulting on proposals to extend the HMO licencing scheme for another five years. The consultation closes on 24 August 2015; you're all encouraged to visit our website, [oxford.gov.uk](http://oxford.gov.uk), and submit your views.

[http://www.oxford.gov.uk/PageRender/decN/newsarticle.htm?newsarticle\\_itemid=57346](http://www.oxford.gov.uk/PageRender/decN/newsarticle.htm?newsarticle_itemid=57346)

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### Oxford City Council

We're inviting you to participate in the ongoing HMO licensing consultation before it closes on Monday 24 August 2015.

We estimate that one in five residents lives in an HMO and because of Oxford's acute housing shortage, this number is likely to continue to increase.

The HMO licensing scheme has helped to improve standards in the private rented sector and we would like to see further improvements to ensure tenants are not left at risk in poor condition houses.

[http://www.oxford.gov.uk/PageRender/decN/newsarticle.htm?newsarticle\\_itemid=57357](http://www.oxford.gov.uk/PageRender/decN/newsarticle.htm?newsarticle_itemid=57357)

19 August

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**Oxford City Council**

Want to improve standards of homes rented out to more than two tenants? Take part in our consultation to review the Houses in Multiple Occupation (HMO) licensing scheme: <http://consultation.oxford.gov.uk/consult/ti/hmolicensingreview/consultationHome>

Additional consultation events will take place across Oxford from 2-4PM at the following venues:

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## Consultation



You are here: [Review of HMO licensing scheme](#) - [Calendar](#)

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## Review of HMO licensing scheme

### Calendar

[Return to Consultation Home](#)

Month


List



List events This year

### 2015 June

#### 15th June, Monday

 Consultation Open Date  
13:00

#### 24th June, Wednesday


 **HMO Licensing Roadshow - Rosehill (Courtland Road)**  
We will be in the Rosehill area (Courtland Road) to answer any questions you may have about HMO licensing or the consultation  
10:00 - 12:00

#### 25th June, Thursday

 **HMO Licensing Roadshow - Barton (Underhill Circus nr. Neighbourhood Centre)**  
We will be in Barton (Underhill Circus) to answer any questions you may have about HMO licensing or the consultation  
10:00 - 12:00

 **HMO Licensing Roadshow - Headington (London Road)**  
We will be in Headington (London Road) to answer any questions you may have about HMO Licensing or the consultation  
14:00 - 16:00

#### 29th June, Monday

 **HMO Licensing Roadshow - Wood Farm (Atkins Road)**  
We will be in Woodfarm (Atkins Road) to answer any questions you may have about HMO Licensing or the consultation  
10:00 - 12:00

## 2015 July

### 30th June, Tuesday

#### HMO Licensing Roadshow - Summertown (Banbury Road/Oakthorpe)

We will be in Summertown (Banbury Road/Oakthorpe) to answer any questions you may have about HMO Licensing or the consultation

10.00 - 12.00

#### HMO Licensing Roadshow - Marston (Old Marston Road)

We will be in Marston (Old Marston Road nr. 10-15 Old Marston Road) to answer any questions you may have about HMO Licensing or the consultation

14.00 - 16.00

### 1st July, Wednesday

#### HMO Licensing Roadshow - East Oxford (Cowley Road)

We will be in East Oxford (Cowley Road nr. Manzil Way) to answer any questions you may have about HMO Licensing or the consultation

10.00 - 15.00

### 2nd July, Thursday

#### HMO Licensing Roadshow - Botley (La Marsh Road)

We will be in Botley (La Marsh Road) to answer any questions you may have about HMO Licensing or the consultation

10.00 - 15.00

### 6th July, Monday

#### HMO Licensing Roadshow - Clarendon Centre

We will be in and around the Clarendon Centre on the 23rd June between 10am and 12noon to answer any questions you may have about HMO licensing and the consultation

10.00 - 12.00

#### HMO Licensing Roadshow - Jericho (Walton Street)

We will be in Jericho (Walton Street) between 2.00pm and 4.00pm to answer any questions you may have about HMO licensing or the consultation

14.00 - 16.00

### 21st July, Tuesday

#### Landlords Information Exchange - HMO Licensing

This event will held at the Kassam Stadium and will include presentations from the Council about the current scheme and the future proposed renewal of the licensing scheme. Further details will be sent out to landlords and agents.

10.00 - 16.30

### 27th July, Monday

#### HMO Licensing Drop In at Cowley Library

10.00 - 12.00

## 2015 August

 [HMO Licensing Drop In at Central Library \(first floor\)](#)  
14.00 - 16.00

**28th July, Tuesday**

 [HMO Licensing Drop In Headington Library](#)  
14.00 - 16.00

**29th July, Wednesday**


 [HMO Licensing Drop In at Blackbird Leys Library](#)  
14.00 - 16.00

**5th August, Wednesday**


 [Landlords Event - Town Hall](#)  
Second Landlord Event at the Town Hall to discuss HMO Licensing  
09.00 - 13.00

 [Lye Valley Residents Meeting](#)  
Lye Valley meeting about HMO Licensing Scheme  
19.00 - 20.00

**17th August, Monday**

 [HMO Consultation Roadshow - Summertown Library](#)  
Roadshow at Summertown Library to speak to officers about HMO Licensing Scheme  
11.00 - 13.00

**24th August, Monday**

 [Consultation Close Date](#)  
23.59

## 2015 October

**15th October, Thursday**

 [Outcome Publication Date](#)  
(expected)  
00.00

# PRIVATE RENTED SECTOR CODE OF PRACTICE

Updated July 2015



# Private rented sector code of practice

Updated July 2015

This code of practice, originally published in September 2014, has been revised to reflect more recent changes in legislation.

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Property Redress Scheme

The Property Ombudsman

Deposit Protection Service

My Deposits

Tenancy Deposit Scheme

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## Foreword

We are committed to building a bigger and better private rented sector. The private rented sector provides valuable flexibility within the housing market, with increasing numbers of tenants choosing to rent as a matter of choice. We want to support it and see it grow.

A key part of this is our commitment to minimising excessive regulation of the sector, which would force up rents and reduce choice for tenants. We have put in place measures to create greater choice, professional services and higher quality properties for tenants. That is why we are financing the construction of up to 10,000 new homes specifically for private rent through our £1 billion Build to Rent Fund, while our Private Rented Sector Housing Debt Guarantee Scheme will support up to £3.5 billion of investment in private rented projects, plus a potential share of £3 billion held in reserve.

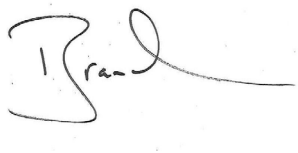
We know that the majority of tenants are satisfied with the performance of their landlords and that the majority of landlords and letting agents provide a good service. However, the small minority of rogues or criminals who exploit tenants drag the reputation of the sector down. We are cracking down on these landlords using a range of tools from legislation, funding and other support to local government.

It is important that tenants and landlords are able to choose letting agents who do operate to best practice. That's why, in October 2013, we asked the Royal Institution of Chartered Surveyors to work with other leading sector organisations to develop a Code of Practice.

I am delighted that the leading organisations representing landlords, letting agents and property managers have come together to create this comprehensive Code that may be used by anyone involved in the letting and management of private rented property.

Where this Code is particularly valuable is that it not only explains what is legally required, but provides a model for best practice. Members of any organisations which have signed up to this Code agree to abide by its contents, giving tenants assurance of a good service, driving up standards in the sector.

I am delighted, therefore, to introduce this Code of Practice. I truly believe it will lead to an even better and more professional private rented sector in England.



Brandon Lewis, Minister of State for Housing and Planning



# 1 Introduction

## 1.1 Scope

This Code is intended to promote best practice in the letting and management of *private rented sector* housing in England. The aim of the Code is to ensure:

- Good-quality homes for rent.
- Consistent and high standards of management.
- Choice for the *consumer*.

The Code is intended for use by landlords and lettings and management agents in the private rented sector (PRS).

Whether you are a landlord or an *agent*, if you are responsible for the letting and management of homes you have a minimum duty to achieve basic compliance required by law. However, landlords and agents should aspire to a standard above minimum legal requirements and in line with industry best practice as set out in this Code. If you are unsure of what you should do or what is required of you, seek professional advice. Ignorance or inexperience is not an acceptable defence for poor practice.

A useful checklist has been provided for inexperienced landlords at the back of this Code of Practice – see [Appendix B](#).

## 1.2 How to use this Code

Terms shown in italics are defined in a [glossary](#) at the end of the Code.

**Landlords are responsible for ensuring that they comply with the law when letting and managing residential property. When a landlord engages an agent, the tasks and responsibilities of letting and managing property will be allocated between them. It is for the landlord and the agent to decide and to understand who is responsible for which tasks and responsibilities.**

**This Code uses the words ‘you’ and ‘responsible person’ to refer to whoever is responsible for a particular task or responsibility. Where items in the Code are aimed *only* at agents or landlords, this is indicated where required.**

In the Code:

- The word ‘*must*’ indicates a legal requirement.
- The word ‘*should*’ indicates best practice. Where you should do something and have not, you ought to be able to justify reasons for not doing it.

Where procedures are recommended for specific tasks, these are intended to represent ‘best practice’; that is, procedures that, in the opinion of the property management industry, meet a high standard of competence.

When an allegation of professional negligence or a breach of obligation is made against a responsible person, a court or tribunal is likely to take account of the contents of the Code in deciding whether or not you have acted with reasonable competence.

The principles on which this Code is based are:

- 1 To comply with all laws relating to the letting and management of residential private rented sector property.
- 2 To meet all other legal requirements and relevant codes of practice.
- 3 To let and manage properties in an honest, fair, transparent and professional manner.
- 4 To manage properties with due skill, care and diligence, and ensure that, where staff are employed, they have the skills and training needed to carry out their tasks.
- 5 To do their best to avoid conflicts of interest and, where they do arise, to deal with them openly, fairly and promptly.

- 6 You must not discriminate on the basis of age, gender, race, language, sexuality or any other factor that might place an individual at a disadvantage.
- 7 To ensure that all communications and dealings with *clients* and tenants are fair, clear, timely and transparent.
- 8 To ensure that all relevant information is provided to clients and tenants, including publicising fees, prior to them committing to a *transactional decision*.
- 9 To ensure that all advertising and marketing material is accurate and not misleading.
- 10 To take steps to look after *client money* and to hold this separately from other funds.
- 11 To behave ethically and responsibly at all times.

The Code contains some principles aimed specifically at letting and management agents, as follows:

- To ensure that landlords and tenants are given details of complaints-handling procedures and the redress scheme to which the agent belongs.
- To ensure client money is covered by client money protection.

## 2 Lettings and management

### 2.1 For landlords only: selecting an agent

Landlords should only engage agents who:

- are members of an accredited body
- are members of an independent redress scheme
- protect client money by way of a *clients' money protection scheme*; and
- have appropriate insurance such as public liability and professional indemnity insurance.

### 2.2 For agents only: accepting instructions from a landlord

#### 2.2.1 Conflict of interest

Before confirming instructions, agents and contractors must check that they will not have any *conflict of interest*. If they do, they must declare it and get written permission from the landlord that they can continue to act.

If the landlord gives permission then, at the earliest practical opportunity, and definitely before negotiations begin, the agent or contractor must give details of the conflict of interest, *in writing*, to the prospective tenant.

#### 2.2.2 Giving correct advice

An agent must provide truthful, accurate and unbiased advice to a landlord.

Where an agent advises a landlord about a letting a realistic rental assessment must be made, reflecting current market conditions. It should be supported by comparable market evidence, if available.

#### 2.2.3 Consumer Protection from Unfair Trading Regulations 2008

When offering services to a landlord:

- An agent must comply with the:
  - *Consumer Protection from Unfair Trading Regulations 2008* (CPRs)
  - *Business Protection from Misleading Marketing Regulations 2008* (BPRs)
  - *Unfair Terms in Consumer Contracts Regulations 1999* (UTCCRs)
  - *Supply of Goods and Services Act 1982* (SGSA); and
  - *Unfair Contract Terms Act 1977* (UCTA).
- An agent must not engage in any unfair commercial practice by saying, doing or omitting to do something which causes, or is likely to cause, the *average consumer* to take a different transactional decision.
- An agent should refer to the Competition and Markets Authority's [Guidance for lettings professionals on consumer protection law](#) for further information and guidance on the regulations.

#### 2.2.4 Confirming identity

Agents should make every reasonable effort to confirm a landlord's identity before accepting instructions.

If the landlord operates as a business, the agent should identify and confirm who within the business has the authority to act on its behalf.

#### 2.2.5 Agreeing the scope of work

The agent should agree the scope of work and then issue terms of engagement, which should detail the duties the landlord expects the agent to perform.

### 2.2.6 Terms of engagement

Agents must give landlords written confirmation of their instructions to manage a property on their behalf. This must include details of:

- fees and expenses
- business terms
- the duration of their instructions; and
- the extent of the agent's financial authority to authorise expenditure such as essential repairs/maintenance.

The agent must give these details to the landlord before the landlord is committed or has any liability towards them. The landlord should be given sufficient time to read and understand the agreement before signing.

Terms of engagement must clearly state the scope of the work the agent will carry out and any additional responsibilities. The terms must be fair and must be written in plain and intelligible language.

The terms of engagement should state that a copy of the agent's complaints-handling procedure is available on request, together with details of the redress scheme to which the agent belongs.

If a landlord signs a contract:

- with the agent present at their home; or
- at another location away from the agent's premises; or
- by post or online; or
- without having met the agent

the landlord must be given a right to cancel that contract within 14 calendar days from the date of signing.

If the landlord requires the contract to start before the end of this cancellation period the agent must obtain confirmation of this in writing.

Both parties should sign and date the terms of engagement. Any subsequent changes to terms of engagement must be confirmed in writing and signed by both parties.

### 2.2.7 Fees, charges and taxes

Agents must provide clearly defined details of their fees and expenses which may become payable. All fees, charges and penalties applicable to both landlords and tenants need to be displayed inclusive of VAT. This is in accordance with the [Advertising Standards Authority](#), the *Consumer Rights Act 2015* and *Consumer Protection from Unfair Trading Regulations 2008* requirements. Agents must prominently display these on their website and at each office where they deal face-to-face with those using or proposing to use their services. They must also state whether or not they are a member of a client money protection scheme and which redress scheme they belong to.

If the agent does not know the exact amount at the time, they should give details of how it will be calculated. This should include any renewal commission and the method of calculation, making clear that this will only arise where the agent is instructed to renew the tenancy or the landlord has specifically agreed to the agent's entitlement. The intention of the legislation is that both tenants and landlords are able to understand what a service or cost is for and why it is being imposed.

Agents should state all fees inclusive of tax, a legal requirement where the landlord is not a business.

Agents must include any contractual right to interest on late payment in the terms of engagement. The terms of engagement should set out which party retains any interest accruing from client money held.

### 2.2.8 Using subagents

Agents who want to appoint a subagent must first obtain the landlord's authorisation. Appointing a subagent without authorisation may be considered a breach of duty unless it is contained within the agent's terms of engagement.

### 2.2.9 Commissioning other documentation

You must follow legislative requirements about documentation to be provided at the point of marketing, during the marketing process or on completion. This must include an Energy Performance Certificate (EPC) and, where gas is provided at the property, a current Gas Safety certificate.

## 3 Lettings

As described in [section 2.2.5](#), landlords who use an agent will have agreed the scope of work that the agent will provide. If the landlord has not instructed an agent to carry out the following tasks then the landlord is responsible.

### 3.1 Marketing and advertising

You must always act in good faith, with the standard of care and skill that is in accordance with honest market practice.

Before letting, you must obtain any consent needed – for example, joint owner, lender, insurance company, *superior landlord*, freeholder and local authority. You must also comply with the obligations and requirements of the various safety legislation, standards and regulations that apply to rented property.

If the owner of a leasehold property wishes to let, they must consider the terms of that property's lease to the immediate landlord and any covenants or other obligations that will need to be included in the tenancy agreement. You must draw these to the attention of potential tenants at the earliest appropriate opportunity.

You must not exert undue pressure on any potential tenant.

You must comply with the *Consumer Protection from Unfair Trading Regulations* 2008 and the *Consumer Rights Act* 2015.

You should treat all tenants, prospective tenants, landlords and prospective landlords as consumers for the purposes of the regulations, unless they are clearly not, such as in the case of a limited company landlord or tenant.

You should refer to the Competition and Markets Authority's [Guidance for lettings professionals on consumer protection law](#) for further information and guidance.

You must take reasonable steps to ensure that all statements made about a property, whether oral, pictorial or written, are correct and are not misleading. The information must be provided in a clear and timely manner and must not omit or hide *material information*.

You must not engage in any unfair commercial practice by saying, doing or omitting to do something which causes, or is likely to cause, the *average consumer* to take a different transactional decision.

You must not engage in any of the 31 specific practices that the *Consumer Protection from Unfair Trading Regulations* 2008 ban outright (see [Regulation 3 and Schedule 1 of the Regulations](#)).

Advertisements must comply with the Committees of Advertising Practice (CAP)'s [UK Code of non-broadcast advertising, sales promotion and direct marketing](#).

You must ensure that the property particulars and any advertisements include the alphabetical [Standard Assessment Procedure \(SAP\)](#) rating from the EPC.

You should explain all the possible tenancy options to the prospective landlord and tenant, including any potential for longer term lets. You should also explain that longer agreements may include rent review clauses to allow for changes in rent during longer fixed-term tenancies. If the agreement is for a fixed term of three years or more, the agreement must be executed as a deed. If you know that the property is only available in the short term, you should advise prospective tenants of this at the earliest opportunity, preferably before viewing.

'To let' boards must comply with [planning requirements](#).

#### For agents only

If asked to let a leasehold property, the agent must ask the *leaseholder* for full details of all covenants or obligations that may apply to the tenant and which must be incorporated in any tenancy agreement.

## 3.2 The Green Deal

You must disclose the existence of a *Green Deal* charge to a potential tenant at the earliest appropriate opportunity using the prescribed wording in the [Statutory Instrument](#). You must obtain confirmation in writing from the tenant that they understand they will be:

- liable to pay the Green Deal plan and instalments; and
- bound by the terms of the Green Deal Plan.

## 3.3 Viewings

You must advise tenants of all material information and ensure that there are no misleading omissions from the information provided. This includes responses to questions from potential tenants.

When arranging for a potential tenant to view an already tenanted property, you must ensure that the existing tenant is given appropriate and reasonable notice (24 hours recommended) of the appointment and in accordance with any provisions within the tenancy agreement, unless other arrangements have been made with the agreement of the tenant.

When accompanying a potential tenant on a viewing, you should take appropriate steps to ensure the [personal safety](#) of all involved.

## 3.4 Agreeing the letting

You should ensure you understand the requirements of potential tenants and the flexibility on tenancy length offered by the *assured shorthold tenancy* to meet these requirements. Consideration should be given to the granting of longer tenancy agreements where this is appropriate for both parties.

You should provide tenants with a copy of [How to rent – the checklist for renting in England](#).

When negotiations are concluded, you should send written confirmation to the potential tenant setting out:

- the tenancy terms
- the costs that the tenant will be responsible for
- the deposit
- any holding deposit, clearly stating the basis of such a deposit and all associated terms and conditions
- the total sum required on signing
- any guarantor requirements, if applicable
- the methods of payment that could apply; and
- the procedure to follow when the tenant comes to sign the tenancy agreement.

## 3.5 References and checks

You must obtain the prospective tenant's consent before seeking a reference or carrying out a credit check.

You should take references that are in accordance with the individual circumstances of the tenant and should take care in validating their authenticity. You should keep a record of the steps you take to do this. You should ensure that you understand any additional requirements around obtaining a reference for a tenant in a selective licensing area.

You must make reasonable endeavours to check the lawful immigration status of any potential tenant or other persons living at the property where required to do so by law (*Immigration Act 2014*).

## 3.6 Inventory

Prior to the commencement of the tenancy, an appropriate inventory should be prepared. The principle items to be included in the inventory must be made clear to the potential tenant at the earliest convenient opportunity.

You can find further guidance about inventories in [A guide to best practice for inventory providers](#) published jointly by RICS, APIP, ARLA, Asset Skills and NAEA.

### 3.7 Formal agreement

The tenancy agreement should be written in plain, intelligible language. You must give a prospective tenant enough time to read and understand the agreement before signing. You must give the tenant the opportunity to raise queries to clarify the rights and obligations of the tenancy agreement.

An appropriate payment method for the rent should be agreed with the tenant.

The tenancy agreement must be signed by the landlord or their representative. The counterpart tenancy agreement must be signed and dated by all of the tenants in order to come into effect. The tenant should be given the signed tenancy agreement. The landlord should retain the counterpart agreement.

Where letting to joint tenants, you should ensure that all tenants sign the tenancy agreement wherever possible. If this is not practical, someone else can sign on their behalf so long as they are duly authorised to do so and you have clear evidence of this authority.

Any guarantors must sign a written deed of guarantee that clearly states their obligations.

You should ensure the inventory is signed by or on behalf of the parties and dated.

You should provide the tenant with at least one complete set of keys that is recorded in the inventory.

You should consider identifying a lead tenant to whom key correspondence and enquiries are directed and who arranges rent payments. However, some legal documents need to be served on all tenants.

### 3.8 Tenancy deposits for assured shorthold tenancies

Tenancy deposits for assured shorthold tenancies must be protected in a Government-authorised scheme within the statutory timescale and otherwise in accordance with the [relevant scheme rules](#).

You should consider the amount of a deposit based on what is fair in relation to the potential liability the tenant has in relation to the property.

The tenancy agreement must make provision for the holding of any deposit, specifying:

- how the deposit is to be held; and
- who keeps any interest earned on it.

The tenancy agreement must also state why the deposit is being held and the circumstances in which it is to be released, in whole or in part.

The tenancy agreement should also state which tenancy deposit protection scheme the deposit is held under.

You must make *prescribed information* regarding the tenancy deposit protection scheme available to the tenant(s) within the statutory timescale of receiving the deposit. See [www.gov.uk](http://www.gov.uk) for further information. The tenant(s) must be given an opportunity to check and sign the prescribed information.

Where a deposit is held by an agent, this should be held as a 'stakeholder' on behalf of both parties. These matters should be made clear to the prospective tenant before the deposit is paid and the tenancy agreement is signed.

Where a deposit is held by an agent, deposit money must be dealt with in the same way as other client money (see [section 4.21](#)). The letting commission or other charges owed by the landlord to an agent must not be taken from the deposit.

The deposit must be released only in compliance with the terms under which it was originally held.

### 3.9 Company lets

Where residential properties are let to a company rather than an individual, the company is responsible for all of the tenant's obligations under the terms of the tenancy agreement in the same way an individual tenant would be. Company tenants are not treated as consumers under the relevant legislation. Agreements will not be an assured shorthold tenancy.



You should request sufficient details to legally identify the company, such as the company registration number and who may legally contract on behalf of the company.

You should be informed of the identity of the licensee of the tenant company. The tenancy agreement should allow the property to be occupied by the permitted occupier together with their family.

The tenancy agreement should include a clause making clear that money paid by the licensee towards the rent will be paid as an agent on behalf of the company and will not give the licensee rights as a company tenant.

## 4 Property management

### 4.1 General arrangements

You should always manage properties in a professional manner. If you are unsure what this entails then consider either undertaking accreditation or similar qualification yourself or using an accredited agent.

You should always manage properties in an open and transparent way, subject to maintaining confidentiality in respect of personal information.

You should advise tenants of your contact details for day-to-day tenancy management matters and should be available:

- to be contacted during normal working hours
- to meet tenants; and
- to inspect the property at reasonable times and intervals.

If requested, you should assist tenants in understanding their tenancy agreement or other terms of occupation by explanation or by referring them to [www.gov.uk](http://www.gov.uk) and to the [Citizen's Advice Bureau](#) for independent advice. You should not give advice about the tenant's legal rights, and should avoid a conflict of interest when giving any advice.

You should maintain appropriate records relating to the building and decide how long to keep them, taking account of periods of statutory limitation of action.

You should take steps to keep informed of developments in legislation affecting residential management to keep wholly within the law.

So far as it is reasonably practicable and consistent with statutory and contractual obligations, personal information must be kept confidential and must not be disclosed to other people without consent. It may be permissible to disclose information without consent in accordance with the advice of the Information Commissioner's Office (ICO). However, a privacy notice to the tenant may be required. You are required to register with ICO if you hold any personal data electronically (this would include holding a tenant's phone number in your own phone) or pass personal information to someone else, such as carrying out an immigration check with the Home Office. Almost all agents and landlords who do not use agents need to register with the ICO. Landlords who use agents for some or all of the letting and management process may need to register depending on personal information held and/or passed on. See [www.ico.org.uk](http://www.ico.org.uk).

You should be aware of the local private rented sector licensing requirements in the area of the premises. This includes additional licensing, selective licensing and mandatory *Houses in Multiple Occupation* (HMOs) licensing and planning consent requirements (see [Licensing of houses in multiple occupation in England: a guide for landlords and managers](#) and [Selective licensing in the private rented sector: a guide for local authorities](#)).

You must ensure that the property and all equipment meet the requirements of the relevant regulations and licensing.

You must not cause or permit a dwelling to be overcrowded.

### 4.2 Financial management

#### 4.2.1 Client's money

Money held, deposits or rent collected for and on behalf of an applicant, tenant or ex-tenant, client or ex-client landlord is considered as client money.

You should keep adequate accounts and records to show all dealings with client money.

Client money should be held separately from landlord or agent money and you must be able to account immediately for all money held on behalf of a client or a tenant.

Clients' money should only be withdrawn from an account:

- where it is properly required for payment to, or on behalf of, the person entitled to it
- when meeting agreed costs
- for payment of any remuneration or reimbursement of expenses in carrying out services to which the landlord or agent is entitled, with the written agreement of the client
- in the exercise of any *lien* to which the landlord or agent is entitled
- for transfer to another client account; and
- when non-client money was used to open or maintain the account.

Otherwise, no deductions should be made from clients' money without that client's prior written permission. You should give sufficient notice prior to the deduction so they are able to object to it.

You should advise clients or tenants in writing that you are not liable to repay lost money through bank failure.

#### **4.2.1.1 For agents only: client's money**

You should keep adequate and up-to-date accounts and records to show that money has been paid into a dedicated client account and to explain all dealings with that money.

You should advise your client or tenant that the monies will be held in a designated client account and provide them with details of this account.

A client account should be in credit at all times. There must not be any borrowing from one client's fund to pay another client or those entitled to receive money from the latter's account.

The clients' money should be deposited into a [Financial Conduct Authority](#) (FCA)-authorised bank or building society.

Unless the client or tenant has agreed otherwise in writing you should credit interest earned on any client bank accounts to the appropriate client or tenant.

The letting commission or other charges due to the agent from the client must not be taken from a tenant's deposit. You must ensure at all times that the deposit is released only in compliance with the terms under which the deposit was originally held.

You should be a member of a clients' money protection scheme and you must clearly display, in your offices and on your website, whether or not you are a member of such a scheme.

#### **4.2.2 Proceeds of crime**

You must report any suspicion that another person is engaged in money laundering or other related financial crime to the National Crime Agency (NCA) before proceeding with any transaction with that person.

#### **4.2.3 Taxes**

Landlords should ensure that HMRC is aware of rental income and deductions and that they pay the appropriate tax.

### **4.3 Tenancy management**

You must levy rents and other charges and manage the property in accordance with the law and the clauses of the relevant tenancy agreement.

You must include the landlord's name and address on any written rent demand. Until such information is provided, rent is deemed not to be lawfully due from the tenant. If that address is not in England or Wales then you must notify the tenant of an address in England and Wales to which notices may be served.

You must give the tenant the landlord's name and address within 21 days of any written request. If the landlord is a company and the tenant requests more information after receiving the name and address of the landlord, the name and address of the directors and the secretary of the company must also be given to the tenant within 21 days of that request.

You should communicate promptly with the tenant, and any client as appropriate, on any important issues or obligations relating to the use and occupation of the property, including material breaches of the tenancy agreement that you become aware of.

You should respond promptly to reasonable written requests from tenants for and, where appropriate, consents required under the tenancy agreement should be granted promptly. Where applicable under the terms of the tenancy when an application is refused, reasons should be given. Unless authorised by the tenancy or lease or, in the case of certain transactions accepted by the courts (e.g. subletting), you should not charge the tenant for considering an application or granting permission.

#### **4.3.1 Actions following a new letting**

You should assist the tenant with the necessary information to ensure that the tenant registers as the customer for services from the commencement of the letting in accordance with their obligations under the tenancy agreement.

Where utilities are metered, meter readings should be taken and recorded. The local authority should be informed of the date the letting commences for council tax and utility companies should be similarly advised for water, sewerage, gas and electricity, as appropriate.

#### **4.3.2 Rent**

##### **4.3.2.1 Rent payments and review of rent**

Rent demands (if used) should be clear and easily understandable by tenants. Avoid using codes and abbreviations if possible; if you do use them, they should be clearly explained.

You must provide a rent book if the rent is paid weekly and ensure that any rent book is kept up to date. Where payment of rent is handed over in cash, a receipt should be given. In other cases, a receipt should be given if requested. An annual statement of rent payments received should be made available to tenants on request.

Where rent review clauses are included in the tenancy agreement you must follow those procedures for any review of rent.

##### **4.3.2.2 Local housing allowance and rent**

Where appropriate, you should co-operate with a tenant's claim for local housing allowance/housing benefit/ Universal Credit and supply any necessary information promptly to ensure that the claim can be processed as quickly as possible.

You should ensure the tenant is made aware before signing any agreement that they are committed to pay the rent, whether or not they are entitled to receive local housing allowance/housing benefit and that they will be required to make up any shortfall of local housing allowance/housing benefit.

##### **4.3.2.3 Arrears**

Where rents are not received when due, you should communicate promptly with the tenant. Where housing support is being paid directly to the tenant, for example local housing allowance (LHA) or as part of Universal Credit, and payments cease or are varied, you should inform the local housing authority or the Department for Work and Pensions as soon as possible. Where housing support is paid directly to you and payments cease or are varied, you should notify the tenant as soon as possible.

You should keep channels of communication open with your tenants and encourage tenants to let you know if they are under financial difficulties. You should maintain contact with tenants in cases where arrears continue to accumulate and recommend that they seek independent advice (e.g. from the Citizens Advice Bureau, the [Money Advice Service](#), or a legal adviser).

A tenant must not be evicted without a possession order and following due process. If tenants are facing eviction and are threatened with homelessness (especially if they are vulnerable or there are children living with them) you should suggest they contact their local authority housing team for support in accessing alternative accommodation.

#### For agents only

If you are retained to collect rent, you should have a system in place to notify a client landlord promptly if rent becomes overdue. In the event of arrears, you must notify any rent warranty insurers promptly and ensure that the timescale for any rent warranty notification is met.

#### 4.3.3 Service charge

If administering a service charge, refer to the RICS *Service charge (residential) management code* for guidance, as this is outside the scope of this Code.

#### 4.3.4 Repairs and maintenance

You must take all reasonable measures to provide housing that is safe and without risks to health.

The duties of the parties should be stated in the tenancy agreement, as set out in relevant legislation.

You should be aware of repairing obligations imposed by statute and common law.

You must ensure a safe and healthy environment for the tenants and act upon demands for improvements by the local housing authority under the [Housing Health and Safety Rating System \(HHSRS\)](#).

You must be prudent in the selection of persons who are competent to perform repairs and maintenance on the property. You should take reasonable steps to ensure such contractors have:

- public liability insurance
- professional indemnity insurance, if appropriate
- relevant trade qualifications where required; and
- appropriate health and safety risk assessments and adopt safe systems of work.

You must also pass over any relevant health and safety information you hold to any contractor/designer, including regarding asbestos.

Matters of disrepair should be dealt with promptly and in a timely manner appropriate to their urgency, placing a priority on reducing any risk to people.

You should ensure tenants know how to report repair and maintenance issues and have an established procedure for dealing with urgent requests for repair work, particularly for out-of-office hours.

Tenants must never be evicted for simply requesting repairs to the property.

Landlords must keep the structure and exterior of the property in repair. If an agent is charged with this duty then, in the event that the agent is unable to carry out this duty for any reason, the duty must return to the landlord or otherwise provisions must be put in place for keeping the structure and exterior of the property in repair.

You must repair and keep in proper working order the installations for space heating and water heating, together with the installations for the supply of gas, water, electricity and drainage.

You must take reasonable care to maintain and repair paths, driveways and car parking areas so that they are safe to use. You must maintain and repair gutters, downpipes, drains and gullies.

You should ensure that tenants are [aware of their responsibility](#) to act in a *tenant-like manner* and to carry out minor repairs, such as replacing bulbs or clearing pipes or drains they have blocked.

When arranging repair and maintenance work on a let property, you must be aware that tenants are entitled to the quiet enjoyment of their homes and you must seek to minimise disruption.

You should consult tenants on the details and programme for carrying out such works, unless urgency or the tenancy agreement dictates otherwise. Works must be carried out to a reasonable minimum standard so that they do not need to be repeated within a short period of time relative to their nature and reasonable expectations.

You should maintain accurate and complete records of all maintenance and insurance of the property and hold records safely for the required period of time.

#### **For agents only**

You should ensure that sufficient funds from the landlord are available prior to instructing a contractor. The method of payment should be agreed between all parties prior to works commencing.

You should disclose any commission you might receive from the contractor at the time that estimates are provided to the landlord.

#### **For landlords only**

If you use a managing agent, you should ensure that the agent is provided with sufficient funds to be able to commission agreed repairs/maintenance once an estimate has been accepted.

### **4.3.5 Health and safety and contractor management**

You should inspect the property at appropriate intervals to identify whether or not there are any hazards or repairs that require attention. You should maintain a record of the inspections and any action required and taken.

You should seek to reduce any unacceptable health and safety risks that are identified.

### **4.3.6 Services**

#### **4.3.6.1 Fire safety and testing**

You should have regard to the Local Government Association (LGA) LACORS [Housing – Fire safety](#) guidance. For larger buildings such as HMOs and buildings with common parts, you should have regard to the Department for Communities and Local Government (DCLG) document [Fire safety risk assessment: sleeping accommodation](#).

Where recommended in accordance with the above guidance, fire extinguishers and fire blankets should be provided and must comply with current British Standards. Where they are required they must be provided, including complying with HMO licence conditions.

Where required (any building where there are *common parts*) you must ensure that a fire risk assessment is carried out to identify and evaluate all fire risks to which anyone legally allowed on the premises could be exposed.

You must ensure that any furniture provided by the landlord complies with current regulations for fire safety.

All properties should be fitted with smoke detectors. Properties built after 1992 must be fitted with smoke detectors. With effect from 1 October 2015 all properties must be fitted with a smoke alarm on every floor ([The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)).

Detectors must:

- comply with current British Standards
- be installed in accordance with the manufacturer's recommendations; and
- be kept in working order and tested at the beginning of each tenancy.

Tenants may be made responsible for replacing batteries by prior written agreement made at the start of the tenancy.

#### **4.3.6.2 Carbon monoxide alarms**

Carbon monoxide detectors should be provided in all properties where a gas or solid fuel appliance is present. Detectors must comply with current British Standards and be installed in accordance with the manufacturer's recommendations. The fitting of carbon monoxide detectors is mandatory when a new solid fuel burning appliance is installed and it will become mandatory for all rooms with an existing solid fuel appliance from 1 October 2015 ([The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)). Alarms must be tested at the start of all new tenancies.

#### 4.3.6.3 Electrical

You should ensure that a competent electrician undertakes a full-fixed wiring test within 10 years of installation for new properties/full installations and it is recommended every five years thereafter. For HMOs the test must be undertaken every five years or as recommended by an electrician.

On any change of tenancy, you should check the fixed wiring installation for defects that are visually obvious to a non-qualified layman, including checking leads and plugs (unless the plug is of the moulded type).

You should provide an appropriate electrical certificate to the tenant.

You must ensure that all alterations/repairs/improvements to the fixed electrical system comply with the latest edition of Part P of the Building Regulations and the latest Institution of Engineering and Technology (IET) Wiring Regulations.

A competent person should undertake a portable appliance test (PAT) of all moveable electrical items or equipment provided by the landlord; for example, kettles, fridges, etc. as recommended in the HSE publication [Maintaining portable electrical equipment in low-risk environments](#), or at more frequent periods recommended by a competent person or as a result of a risk assessment.

If you are informed of a fault that could compromise safety, this should be dealt with immediately.

#### 4.3.6.4 Gas

All gas appliances, flues, installation pipework etc. must be maintained in a safe condition in accordance with the *Gas Safety (Installation and Use) Regulations 1998*.

A gas safety check must be carried out every 12 months by a Gas Safe-registered engineer, and a record kept for two years. You must issue a copy of this safety check to each existing tenant within 28 days of the check being completed and to any new tenants before they move in.

You should ensure that new tenants understand how to turn off the gas supply in case of an emergency. If a fault is reported, this must be dealt with immediately.

#### 4.3.6.5 Solid fuel

You must ensure the safety of solid fuel heating installations and carry out appropriate routine maintenance. You should maintain a record of servicing and work carried out.

#### 4.3.7 Access

The tenancy agreement may stipulate the procedure for the routine inspection of the property by the landlord or agent. If this is not stated in the tenancy agreement, the property must be visited at normal times of the day, provided that reasonable written notice (at least 24 hours) has been given to the tenant.

If the tenant refuses access, you have no right to enter the property without a court order. To enter the property against the wishes of the tenant may be considered harassment.

The tenancy agreement should contain provision for entry in emergencies. In the event that you hold a spare key, entry should only be with the express consent of the tenant or in the case of a genuine emergency. Forced entry should only be considered:

- if it is an emergency event such as a fire
- in the event of problems with gas, electrics or escape of water that pose real risk of injury or significant damage to the property or adjoining properties; or
- in the event that the tenant is unavailable or does not respond and you have genuine reason to believe the property has been abandoned.

#### **4.3.8 Harassment and unlawful eviction**

Tenants are entitled to quiet and peaceable enjoyment of the property. You must not interfere with this right except with the tenants' agreement or in the event of an emergency. Locking the tenant out of the property, cutting off services or otherwise interfering with the tenants' right to quiet and peaceable enjoyment is an offence.

#### **4.3.9 Insurance**

The insurance obligations of the parties should be set out in the tenancy agreement. The tenant should be made aware of their responsibilities and the scope and limitations in respect of any insurance held by the landlord in respect of the property.

Insurers should be notified of claims or potential claims at the earliest opportunity. Claim settlements should be treated as belonging to the persons suffering damage. Unless otherwise agreed, you should not deduct arrears or other payments due when passing them on to the claimant.

Any arrangements regarding payment of any excess should be clearly set out in the tenancy agreement.

Agents dealing with insurance issues should be mindful of the insurance regulations on regulated activities. See the Financial Conduct Authority (FCA) website ([www.fca.org.uk](http://www.fca.org.uk)) for further guidance. When a claim arises it should be processed promptly and appropriately. Agents may charge for this service, depending on the terms of engagement.



## 5 Terminating a tenancy

### 5.1 Bringing a tenancy to an end

On giving or receiving notice to bring a tenancy to an end, you should provide a tenant with general written guidance as to what steps need to be taken to prepare the property for the final checkout, handover of keys and other matters. You should draw the tenant's attention to any specific clauses or obligations within the tenancy agreement relating in particular to proposed deductions from the tenancy deposit but also, for example, to specified standards of cleaning etc.

If you serve a notice on a tenant to terminate a tenancy you must ensure that the deposit has been protected and that the tenant has, at the appropriate time, been given the correct prescribed information relating to the protection of their deposit. The property must also have a valid EPC and CP12 Gas Safety Certificate. There should be a system in place to monitor the response from a tenant regarding the vacation of a property when notice has been served.

#### **For agents only**

You should inform a client landlord, promptly and in writing, of the receipt of a lawful notice from a tenant.

Where a tenant does not vacate a property on the due date, you should make reasonable efforts to ascertain the tenant's intentions as soon as practicable and before instigating possession proceedings through the courts.

#### **For agents only**

Where a tenant does not vacate a property on the due date, you should advise the client landlord promptly and co-operate fully and promptly with legal advisers acting for, or appointed on behalf of, client landlords.

Where appropriate, you must take steps to notify any legal protection or expenses insurer.

All keys and fobs relating to the tenanted property should be received or collected on the day the tenancy terminates.

### 5.2 Once the property has been vacated

The vacated property should be inspected within 24 hours of vacation, or on the next working day, to establish whether it has been returned to the landlord in the condition specified in the tenancy agreement. The tenant should be given a reasonable opportunity to attend the inventory checkout.

The local authority and utility companies should be notified of the change in, or discontinuance of, occupation.

In obtaining estimates for restoring the property and contents, all actions should be duly recorded. You must make proper allowance for fair wear and tear and no claim can be made for any deterioration which is fairly attributable to fair wear and tear. You should seek guidance from the relevant tenancy deposit scheme.

The tenant's deposit should not be refunded until the final inspection has taken place and you are satisfied that the deposit should be refunded. Deposit sums not in dispute should be refunded to the tenant within a reasonable time (in accordance with the scheme rules) from the end of the tenancy. Any balance remaining should be refunded within a reasonable time (in accordance with the scheme rules) after reaching agreement between the parties of what is to be refunded or after the decision of the tenancy deposit scheme adjudicator.

The grounds for any retention from the deposit must be provided to the former tenant in writing, if requested, and in compliance with tenancy deposit legislation and the requirements of the relevant tenancy deposit protection scheme.

You should refer disputes about the return of tenancy deposits to the relevant tenancy deposit protection scheme.

## 6 Tenancy renewals and changes

If necessary, you should seek legal advice in connection with company tenancies, as the legal requirements will differ from lettings to individuals.

You must be clear and transparent about all fees payable and potentially payable to you by a tenant in all and any circumstances prior to that tenant making a transactional decision to enter into a contractual relationship with you in the first place, i.e. before the tenancy is entered into.

### **For agents only**

Where a tenancy is to be renewed you should satisfy yourself that all the necessary consents including from lenders and superior landlords have been obtained.

You must be clear and transparent to the client about all fees payable and potentially payable on any tenancy renewal or change to a tenancy prior to that client making a transactional decision to enter into a contractual relationship with you in the first place.

Where the tenancy is to be renewed by contract, a procedure should be in place for consulting the landlord well in advance of serving statutory notices.

### **For landlords only**

Where a tenancy is to be renewed you should obtain all the necessary consents including from lenders, superior landlords.

## 7 Additional responsibilities for the management of multi-let buildings and common parts

### 7.1 Health and safety

**Note:** In sections 7.1.1–7.1.6 the terms ‘responsible person’ and ‘you’ do **not** refer to the person responsible for the maintenance and management of the building but are defined by the *Health and Safety at Work etc. Act 1974* as being the person responsible for all health and safety matters in regard to the building.

#### 7.1.1 Health and safety risk assessment and policy

Health and safety risk assessments and policies vary significantly in scope and proportionality depending on the building and individual circumstances. While legal responsibilities and liabilities are absolute, the required actions to ensure compliance should be proportionate to the individual circumstance.

A competent ‘responsible person’ as defined by the *Health and Safety at Work etc. Act 1974* must be appointed and that person must be clear as to their responsibilities and liabilities.

A health and safety risk assessment of any common parts must be carried out by a suitably competent person.

The risk assessment and the subsequent health and safety policy must be proportionate in scope to the property and circumstances. You must continually ensure the scope of the risk assessment has not changed; for example, if the building is let to individuals who are unusually vulnerable or have special needs. The health and safety policy must address lone worker safety.

All recommendations of the risk assessment and policy must be carried out, with appropriate records kept safely to demonstrate compliance.

You should put a monitoring process in place to ensure the requirements of the risk assessment and policy are being met at all times and that suitable training is provided to individuals to ensure and demonstrate that they are competent to carry out their duties to satisfy the requirements of the assessment.

The risk assessment and policy must be reviewed at the appropriate intervals as recommended by the risk assessment author.

You must put in place a system of contractor control to ensure that all hazards and requirements identified in the risk assessment and policy are drawn to the attention of any party that needs to know that information; for example, staff or contractors working at the building. You must instigate an appropriate system of ensuring contractor compliance with the building’s health and safety risk assessment and policy.

Where appropriate you must ensure that contractors carry out their own risk assessments and maintain their own health and safety policies.

#### 7.1.2 Risks specific to common area management

Risk assessments must be considered for:

- the operation of mixed use areas, including waste disposal and car parking
- car park and personnel gates, both in terms of operational safety and means of escape in the event of fire
- gym, pool, leisure and common rooms
- cycle parking or bike stands; and
- lifts including maintenance and operation in the event of fire.

#### 7.1.3 Asbestos

An asbestos risk assessment must be carried out to common parts. You should take reasonable measures to identify the presence and assess the risk of asbestos to let areas. If appropriate, depending on

circumstances such as the age and history of the building, an asbestos survey should be carried out with all recommendations adhered to. You must draw the attention of occupiers, contractors and others at potential risk to the presence of any asbestos and take all necessary measures to ensure the risk is managed safely.

#### **7.1.4 Fire safety**

You must carry out a fire risk assessment and implement all recommendations.

You must formulate and maintain a method of monitoring that all recommendations are continually adhered to, for example maintaining clear escape routes and signage. You must be vigilant to any change in on-site conditions that may require a re-assessment of risk, for example the loss of an assembly area.

#### **7.1.5 Water safety**

You should clearly understand the ownership and maintenance responsibilities of the water supply(ies) to the building. Where you are responsible for the maintenance of the supply, you must instigate a programme of maintenance in accordance with your health and safety risk assessment to ensure the supply is clean and fit for its intended purpose. A risk assessment for the control of legionella bacteria must be carried out and all recommendations should be adhered to.

#### **7.1.6 Crisis management**

You should develop an appropriate policy and procedure for dealing with emergencies and crisis management. In addition to procedures to follow in the event of an emergency, this should include:

- record keeping
- reporting lines
- insurers' details
- press and communication procedures; and
- counselling.

### **7.2 Disposal of waste and recycling**

You should provide adequate means of storage of waste so as to prevent a risk to health and hygiene.

You should, as required by the local authority or waste removal contractor, provide adequate means of separation of waste by type, including for recycling, and provide clear signage and guidance for tenants on the requirements for waste separation as appropriate.

### **7.3 Staff management**

You should notify tenants of any change in staff who are the tenants' main point of contact.

### **7.4 Noise**

You should seek to reduce disturbance to residents from noise; for example, noisy mechanical and electrical installations or hard surface floors in inappropriate locations.

You should ensure that the right to quiet and peaceable enjoyment of the accommodation is incorporated into the tenancy agreement and that the agreement imposes that obligation on tenants for the benefit of other residents.

### **7.5 Mixed tenure schemes**

Where properties include affordable or social housing alongside private housing, arrangements should be established with the registered provider (of the social housing) for exchange of information and your attendance at joint management meetings.

## 7.6 Disputes

You should put in place policies and procedures for handling disputes and complaints of nuisance between occupiers. These procedures should be made available, their existence made known and the response times for their various stages included. All parties should be dealt with fairly.

Disputes should be resolved by informal means where possible before turning to any formal provision in the tenancy agreement. Where not provided for in the tenancy agreement, *alternative dispute resolution methods* may be suggested, rather than litigation, as a means of settling particular disputes.

## 7.7 Security

You should provide adequate security measures, procedures and systems to common parts and living spaces for the protection of residents, visitors and possessions.

You should make reasonable efforts by way of referencing and vetting procedures to ensure that staff and workers employed in a building are fit and proper persons appropriate to their role and level of responsibility and supervision.

You should provide appropriate means of holding mail and deliveries until collected by the tenant.

## Appendix A: Glossary of terms

This glossary gives definitions of key terms used in the Code.

<b>Agent</b>	A company or individual employed to let or manage residential property on behalf of a landlord.
<b>Alternative dispute resolution methods</b>	This can include mediation, conciliation and arbitration.
<b>Assured shorthold tenancy</b>	As defined by Chapter II of the <i>Housing Act 1988</i> (as amended).
<b>Average consumer</b>	<p>A consumer who is reasonably well informed and reasonably observant and circumspect, taking into account social, cultural and linguistic factors. It is someone who takes reasonable care of their own interests.</p> <p>This definition can change depending on the target of a particular business or of a marketing campaign. The average consumer will then relate to a member of that target group. A full definition can be found in regulation 2 of the <i>Consumer Protection from Unfair Trading Regulations 2008</i>.</p>
<b>Client</b>	A person or organisation who has instructed you or your organisation to act on its behalf.
<b>Client's money</b>	Money held on behalf of client landlords and deposits or money held for and on behalf of tenants or potential tenants.
<b>Clients' money protection scheme</b>	A compensation scheme to protect client's money.
<b>Common parts</b>	Any part of a building containing the property and any land or premises which the tenant is entitled under the terms of the tenancy to use in common with the owners or occupiers of other dwellings.
<b>Company let</b>	When a company rather than an individual takes on a tenancy or a tenancy agreement as the 'tenant'. An employee of the company then occupies the premises as a licensee of the tenant.
<b>Conflict of interest</b>	Where an agent acts for clients who have competing interests or where an agent's personal interests conflict, or could potentially conflict, with those of the client or tenant.
<b>Consumer</b>	Anyone who is acting outside their trade, business or profession. This can include clients, potential clients, landlords, potential landlords, tenants, potential tenants and others identified within regulation 2 of the <i>Consumer Protection from Unfair Trading Regulations 2008</i> .
<b>Green Deal</b>	A Government initiative to encourage the take-up of energy efficiency measures in existing properties by a loan repaid through the energy bill for a property.

<b>House in Multiple Occupation (HMOs)</b>	A property such as a shared house, bedsits or a hostel, where three or more unrelated individuals share any of the basic amenities (kitchen, bathroom or WC). It includes a block of converted flats not complying with the 1992 or later Building Regulations if more than one-third of flats are rented out. Larger HMOs are subject to mandatory licensing and others may be designated for additional HMO licensing.
<b>In writing or written</b>	Typed or handwritten text, email, fax or in Braille.
<b>Leaseholder</b>	A tenant of a long leasehold property.
<b>Letting agent</b>	A company or individual employed to let or manage residential property.
<b>Lien</b>	A right to keep possession of property belonging to another person until a debt owed by that person is discharged.
<b>Material information</b>	The information that the average consumer needs according to the context to take an informed transactional decision (as defined in section 6(3) of the <i>Consumer Protection from Unfair Trading Regulations 2008</i> ).
<b>Misleading omissions</b>	Omissions which cause the average consumer to make a different transactional decision.
<b>Must</b>	Required by law.
<b>Prescribed information</b>	<p>This includes:</p> <ul style="list-style-type: none"> <li>• the name of the deposit protection scheme</li> <li>• the address of the property</li> <li>• the amount of the deposit</li> <li>• a leaflet explaining the scheme</li> <li>• the scheme's procedures for payment and repayment</li> <li>• dispute procedures; and</li> <li>• dispute resolution facilities available.</li> </ul>
<b>Private rented sector</b> Definition from the <a href="#">English housing survey 2011–12</a> administered by DCLG	<p>'Households are typically grouped into three broad categories known as tenures: owner occupiers, social renters and private renters. The tenure defines the conditions under which the home is occupied, whether it is owned or rented, and if rented, who the landlord is and on what financial and legal terms the let is agreed.</p> <ul style="list-style-type: none"> <li>• <b>owner occupiers:</b> households in accommodation which they either own outright, are buying with a mortgage or are buying as part of a shared ownership scheme.</li> <li>• <b>social renters:</b> this category includes households renting from Local Authorities (including Arms Length Management Organisations (ALMOs) and Housing Action Trusts) and Housing Associations, Local Housing Companies, co-operatives and charitable trusts.</li> </ul>

	<p>A significant number of Housing Association tenants wrongly report that they are Local Authority tenants. The most common reason for this is that their home used to be owned by the Local Authority, and although ownership was transferred to a Housing Association, the tenant still reports that their landlord is the Local Authority. There are also some Local Authority tenants who wrongly report that they are Housing Association tenants. Data from the EHS for 2008-09 onwards incorporate a correction for the great majority of such cases in order to provide a reasonably accurate split of the social rented category.</p> <ul style="list-style-type: none"> <li>• <b>private renters:</b> this sector covers all other tenants including all whose accommodation is tied to their job. It also includes people living rent-free (for example, people living in a flat belonging to a relative).</li> </ul> <p>In places, the report differentiates between market and non-market renters:</p> <ul style="list-style-type: none"> <li>• <b>market renters:</b> households with assured or assured shorthold private tenancies. Under the 1988 Housing Act, all tenancies starting after the 14th January 1989 are Assured (including Assured Shorthold) unless they fall into one of the excluded categories, for example business lettings or lettings by resident landlords. Before March 1997, tenants had to be given a notice in writing to say that a tenancy was an Assured Shorthold. From March 1997, the rules changed and all new tenancies were Assured Shortholds unless the agreement specifically stated that they were not. Assured Shorthold lettings are for a fixed period of six months or more. The landlord can regain possession of the property six months after the beginning of the tenancy provided that two months notice is given. In the case of an assured letting the tenant has the right to remain in the property unless the landlord can prove grounds for repossession. The landlord does not have an automatic right to repossess the property when the tenancy comes to an end.</li> <li>• <b>non-market renters:</b> households with all other types of private rental tenancies including those with rent-free tenancies and tied accommodation (that is tied to employment).'</li> </ul> <p>Crown copyright material is reproduced under the Open Government Licence v2.0 for public sector information: <a href="http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/">www.nationalarchives.gov.uk/doc/open-government-licence/version/2/</a></p>
<b>Residential property</b>	Property used as living accommodation.
<b>Responsible person</b>	Person with the responsibility for the letting or management of a residential property. This could be the landlord, managing agent or letting agent.
<b>Should</b>	Recommended best practice.
<b>Stakeholder</b> (Definition from <i>Tenancy deposit scheme for lettings agents and corporate landlords membership rules</i> , TDS, 2012)	‘Any person or body who holds the Deposit at any time from the moment it has been paid by the Tenant until its allocation has been agreed by the parties to the AST, determined by the ADR process, or ordered by the court.’



<b>Superior landlord</b>	An entity that owns the interest in the premises, which gives that entity the right to possession of the premises at the end of the landlord's lease. Sometimes called a head lessor or freeholder.
<b>Subagency</b>	Instruction of a separate or related firm to provide agency services to the landlord on behalf of the principle agent.
<b>Tenant</b>	A leaseholder on a short lease (usually assured shorthold or assured tenancy).
<b>Tenant-like manner</b>	<p>In <i>Warren v Keen</i> 1953, Lord Justice Denning said the tenant is under an obligation:</p> <p>'to use premises in a tenant-like manner [...] the tenant must take proper care of the place. He must, if he is going away for the winter, turn off the water and empty the boiler. He must clean the chimneys, when necessary, and also the windows. He must mend the electric light when it fuses. He must unstop the sink when it is blocked by his waste. In short, he must do the little jobs about the place which a reasonable tenant would do. In addition, he must, of course, not damage the house, wilfully or negligently; and he must see that his family and guests do not damage it; and if they do, he must repair it. But apart from such things, if the house falls into disrepair through fair wear and tear or lapse of time, or for any reason not caused by him, then the tenant is not liable to repair it.'</p> <p>Crown copyright material is reproduced under the Open Government Licence v2.0 for public sector information: <a href="http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/">www.nationalarchives.gov.uk/doc/open-government-licence/version/2/</a></p>
<b>Transactional decision</b>	A decision by a consumer relating to a potential or actual transaction and the decision points relating to this. Examples include decisions to accept an offer, view a property or commission a survey (defined in regulation 2 of the <i>Consumer Protection from Unfair Trading Regulations</i> 2008).
<b>You</b>	The responsible person.

## Appendix B: Landlord's checklist

The following checklist is provided for inexperienced landlords to give a summary of some of the key aspects of this Code that they should follow. However, it is important that you read the whole Code to be familiar with all its suggested best practice and legal requirements.

- 1 Only use an agent that is accredited. This will provide valuable protections to you and your tenants (see [section 2.1](#)).
- 2 Be clear about all fees that tenants will have to pay you and your agents, and be proactive in making tenants aware of these in advance of them making a decision to take or renew a tenancy (see [section 2.2.6](#) and [section 2.2.7](#)).
- 3 You, or your agent, will have to provide tenants with various documents at different stages of letting the property. This must include an Energy Performance Certificate (EPC) and, where gas is provided at the property, a current Gas Safety Certificate (see [section 2.2.9](#)).
- 4 Make sure you advertise your property honestly and in accordance with the law. Do not mislead prospective tenants (see [section 3.1](#)).
- 5 Provide tenants with a clear written tenancy agreement, agree an inventory, and if you are taking a deposit make sure it is taken in accordance with the law and that relevant documents are served on time. (see [sections 3.6 to 3.8](#)).
- 6 Provide tenants with contact details, including a telephone number they can use in case of an emergency (see [section 4.1](#)).
- 7 Keep informed of developments in legislation affecting residential management so you keep wholly within the law (see [section 4.1](#)).
- 8 Be clear who is responsible for various bills and co-operate with your tenant to ensure they are only getting charged for their usage of the property (see [section 4.3.1](#)).
- 9 It is your responsibility to keep the property you rent out safe and in good repair. Be proactive in maintaining your property. You or your agent should let your tenant know how they can report repairs and should respond promptly and prioritise according to urgency (see [section 4.3.4](#)).
- 10 Houses in Multiple Occupation may require additional services/standards (see [section 4.3.6](#)).
- 11 You must provide working smoke and carbon monoxide alarms, a mandatory requirement from 1 October 2015. You should test electrical wiring at least every 10 years. You must test the electrical wiring every five years for certain Houses in Multiple Occupation, You must arrange an annual gas safety check (CP12) where gas is present (see [section 4.3.6](#)).
- 12 You cannot enter your tenant's home unless invited or with prior permission. You should give at least 24 hours' notice. Be specific in the tenancy agreement about what will happen in an emergency if you need access (see [section 4.3.7](#)).
- 13 Provide your tenant with clear instructions on what they should do at the end of a tenancy. Inspect the property within a day if possible. Make sure any deposit is released in accordance with the rules of the tenancy deposit scheme it is held under (see [sections 5.1 to 5.2](#)).
- 14 Monitor health and safety according to occupation. If one of your tenants is a vulnerable member of society, for example they are elderly or very young, it may mean you have to consider additional health and safety requirements (see [section 7.1](#)).
- 15 Provide tenants with a clear means of making complaints, including any dispute resolution schemes or mechanisms you are a member of. Ensure tenants are aware of the standards of behaviour they should follow and how they will be dealt with if they fail to meet such standards (see [section 7.6](#)).

## Appendix C: Legislation referred to in this Code

*Business Protection from Misleading Marketing Regulations 2008*

*Consumer Protection from Unfair Trading Regulations 2008*

*Consumer Rights Act 2015*

*Deregulation Act 2015*

*Gas Safety (Installation and Use) Regulations 1998*

*Health and Safety at Work etc. Act 1974*

*Housing Act 1988*

*Housing Act 2004*

*Immigration Act 2014*

*Supply of Goods and Services Act 1982*

*The Smoke and Carbon Monoxide Alarm (England) Regulations 2015* (subject to Parliamentary approval)

*Unfair Contract Terms Act 1977*

## Oxford City Landlord Accreditation Scheme

### ACCREDITED PROPERTY - SELF-CERTIFICATION INSPECTION CHECKLIST

**PROPERTY ADDRESS:**

**NAME & ADDRESS OF OWNER** .....

**TEL:** ..... **Email:** .....

1. **Current Gas Safety Certificate.**  
(PLEASE ENCLOSE A COPY WITH THIS FORM) Y / N \*
  
2. **Inspection report from a competent electrician who is a member of a nationally recognised body (e.g. NICEIC)**  
(PLEASE ENCLOSE A COPY WITH THIS FORM) Y / N
  
3. **General Requirements.**
  - (a) Is the property in a reasonable state of repair and free from avoidable hazards? Y / N
  - (b) Do you have emergency repair arrangements? (displayed in prominent place) Y / N
  
4. **Fire Safety**
  - (a) Does the property have adequate means of escape and fire precautions?  
(as per the scheme requirements) Y / N
  - (b) Do the furnishings comply with Fire Safety Standards? Y / N
  
5. **General Standard of Management:**  
Do the management arrangements for the property comply with the code of management practice? (see code for details) Y / N
  
6. **Thermal Comfort & Domestic Energy Performance Certificates**
  - (a) Does the property have an adequate heating system and effective thermal insulation? (as per the scheme requirements) Y / N
  - (b) (PLEASE ENCLOSE A COPY WITH THIS FORM) Y / N
  
7. **Security**  
Is the property secure? (as per the scheme requirements) Y / N
  
8. **HMOs**
  - Is the property an HMO? Y / N
  - If so, does the property comply with the relevant requirements for amenities? Y / N
  - Will the HMO need to be licensed? Y / N
  - Does the property have an existing HMO licence Y / N

\* Y / N - Circle as appropriate

I hereby confirm that I carried out an inspection of the above property on .....  
and that it meets the standards set for accreditation.

**Signed** ..... **Date** .....

**Please print name** .....

(If signing on behalf of a company, please state in which capacity you are signing)

**Send all forms to:**

Oxford City Council  
Environmental Development  
Ramsay House  
10 St Ebbes Street  
Oxford OX1 1PT

## DECLARATION OF BEING A "FIT AND PROPER" PERSON

1. I declare that I am a fit and proper person to be accredited. I, nor any person associated or formerly associated with me, have any unspent convictions that are relevant to my application, in particular:

- a. Any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003
- b. Undertaken any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- c. Contravened any provision of the law relating to housing or of landlord and tenant law; or
- d. Been found to have acted otherwise than in accordance with any applicable code of practice approved under section 233.

2. Additionally in the last five years, neither I nor any person associated or formerly associated with me have:

- a. Been in control of a property subject to a Control Order under section 379 of the Housing Act 1985.
- b. Been refused a licence, had a licence removed, or breached conditions of a licence for any property in relation to a mandatory, additional or selective licensing scheme under the Housing Act 2004.
- c. Been in control of any property that has been subject to an Interim or Final Management Order or a Special Interim Order under the Housing Act 2004.
- d. Been in control of any property on which a Local Authority has carried out works in default.
- e. Been in control of any property where you have been found guilty of a criminal offence or been the subject of legal proceedings commenced by a Local Authority or other Regulatory Body (such as breaches of the Environmental Protection Act 1990, Planning Control, Compulsory Purchase or Fire Safety Requirements).
- f. Been convicted of any charges relating to harassment or illegal eviction.

*Signed on behalf of the applicant by the Chief Executive, Principal, Partner or Director*

**Signature**.....

**Date** .....

**Print name**.....

**Position in the Company/Organisation**.....

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**To:** City Executive Board

**Date:** 15 October 2015

**Report of:** Executive Director Regeneration and Housing

**Title of Report:** Oxpens Delivery Strategy

## **Summary and Recommendations**

**Purpose of report:** To provide an update and seek approval for an amendment to the Oxpens Delivery Strategy and budgetary adjustments.

**Key decision** Yes

**Executive lead members:**

Cllr Bob Price, Board Member for Corporate Strategy and Economic Development;  
Cllr Ed Turner, Board Member for Finance, Asset Management and Public Health;  
Councillor Alex Hollingsworth Board Member for Planning & Regulatory.

**Policy Framework:** Corporate Plan- vibrant & sustainable economy; Core Strategy 2010; West End Area Action Plan 2008; Regeneration Framework 2010; Oxpens SPD 2013.

**Recommendations:** That the City Executive Board resolves to:

1. **Note** the contents of this report;
2. **Delegate to** the Executive Director Regeneration and Housing authority to agree terms for the acquisition of land at Oxpens (in consultation with the Chief Executive, s151 Officer and Monitoring Officer) subject to Council agreeing the recommendation set out at number 4 below;
3. **Approve** the creation of a wholly owned investment vehicle and the commencement of a competitive exercise to secure a joint venture partner to become a Member of such a vehicle; and
4. **Recommend Council to resolve to** approve the establishment of a capital budget of £8.4m to progress the project through the next stages.

## **Appendices**

Appendix 1 Risk Register

Appendix 2 Confidential Appendix

## **Background**

1. In April 2015, CEB agreed to establish an investment vehicle with a private sector partner, Exemplar Properties Ltd, and to an agreement with the Department for Transport/Cabinet Office (DfT/CO) for the acquisition of the railway lands. The background to the project and fuller details are as set out in the previous CEB paper and as such are not repeated here.
2. The partner withdrew at late stage as it no longer wished to proceed on the agreed basis. This report sets out the proposed revised arrangements and budgetary implications.

## **Priority**

3. The Oxpens development is a strategic priority in the Oxford City Deal and the Oxfordshire Strategic Economic Plan and unlocks major private sector investment and jobs as well as delivering significant wider benefits, including:
  - essential business space and accommodation for new and growing enterprises and services which require links to the universities and service economy
  - city centre regeneration linked to major investment committed at the railway station and Westgate (£500m redevelopment starting in 2015)
  - transport improvements and flooding infrastructure which are essential to enable the city's economy to grow
  - providing a platform for wider regeneration including employment areas near the station and Osney Mead, and supporting redevelopment around Frideswide Square
  - providing new market and affordable housing (over 300 homes), and visitor accommodation.

## **Timing & Way Forward**

4. Central Government is still to confirm how it now wishes to handle the disposal of the railway lands at Oxpens. It is possible that the Government (through London and Continental Railways who are the owners of the site) will offer the site for sale to the previous bidders based on an unconditional contract and that this transfer will take place swiftly. If this were to be the case, the Council would also be invited to make a bid and it is therefore important that it is in a position to move quickly to seek to acquire the site if this takes place.



5. The Council proposes to seek to acquire the railway lands in order to combine the site with its adjoining holdings and promote mixed-use development. The Council would then seek a private sector partner to undertake a comprehensive scheme of development. The partnership structure would adopt the same principles as the Barton LLP with Grosvenor. A number of leading developers have already expressed strong interest in working with the Council on this basis.
6. If the railway land can be acquired the Council intends to run a competition for a partner and the development will proceed as planned with strategic infrastructure being installed, planning permission sought and onward sale of plots for development. The private sector partner would become an equal partner with the Council and refund half the costs of acquiring the railway lands-with the balance of the land value together with any development uplift being returned to the Council as development takes place. The Council's own land will be also transferred into the partnership for an agreed price subject to an independent valuation. The intention is to have a new partner in place within six months of the acquisition.
7. The Council has taken independent advice from leading property advisers JLL who has also carried out soft market testing with major private sector developers. This has demonstrated that there is significant interest in the wider Oxpens site from developers of excellent standing, who have proven track records in bringing forward large, complex regeneration sites, combining housing and commercial elements. These developers also agree that the Oxpens opportunity site should be brought forward as a comprehensive scheme to maximise receipts and reduce delivery risk. An equal joint venture partnership with the Council is considered to be a positive proposition.

### **Delivery and Development Programme**

8. It is anticipated that infrastructure development could start on site in 2017 with the support of secured Local Growth Fund (LGF) funds already allocated.

### **Legal and Procurement Issues**

9. Powers: The City Council is entering into the project for the purposes of regeneration and economic growth exercising the General Power of Competence in Section 1 of the Localism Act 2011.
10. Procurement: Pinsent Masons solicitors have provided procurement advice to the Council. Selection of a partner will require a form of competition.

### **Financial Issues & Due Diligence**

11. The Capital Programme Budget for 2015/16 that was agreed at full Council on 18 February 2015 included £2.0m for investment at Oxpens. The

revised approach will require budgetary provision to be made for a variable investment with a maximum exposure of £8.4m.

12. Timeframes for receipts: Returns will be linked to sales of land plots. The revised programme currently anticipates first sales in 2018. This will be subject to a detailed business plan that will be agreed between partners and reported back to CEB.
13. Further details are provided in Appendix 2.
14. Legal, Property and Technical Fees: The CEB and Council Reports of 3 July 2014 and 14 July 2014 respectively identified a total estimated cost of £370k, of which an initial budget of £320k was established to progress the first stages, wholly funded from the New Growth Points grant. The CEB report of 28 April 2015 confirmed that the initial budget of £320k was adequate but that any changes in the original planned delivery route would require a review of the cost of fees. Abortive cost and rework means that the revised estimate of fee expenditure reverts to the full original estimate of £370K. A budget change will be required accordingly.

<b>Oxpens Delivery Strategy</b> legal, property, technical fees				
<b>Total Estimated</b>	<b>Current Estimate</b>	<b>Spend/Committed to date</b>	<b>Approved Budget (NGP)</b>	<b>Additional Budget Req.</b>
370k	370k	114k	320k	50K

15. The funding of the additional £6.4 million of capital expenditure will be through prudential borrowing. There is an option to provide internal funds to finance the deal which will result in a loss of investment interest at an average rate of around 1.5% of up to approximately £120k per annum which would need to be adjusted in the Council's Medium Term Financial Plan. The return on the investment is shown in the Confidential Appendix 2 but officers are confident in recommending the transaction at this level; it would be above the returns expected from other options for use of the resources such as indirect property funds.
16. The Council will need to take further advice on the taxation aspects of this type of arrangement and will seek to ensure that the arrangements do not put pressure on the Council's VAT partial exemption position. No issues around this are envisaged at this time but more detailed analysis will be required as the scheme develops.
17. An authority is required to make a "prudent provision" in respect of its Minimum Revenue Provision (MRP) charge, and to arrange for its debt liability to be repaid over a similar period to that which the asset associated with the capital expenditure provides benefits such that the majority of new capital expenditure "financed by borrowing" is subject to a charge which reflects its estimated useful life. The guidance enables local circumstances and discretion to be taken into account.

18. In the case of the investment proposed the Head of Financial Services considers that there is no requirement to make an MRP over the term of the investment because the Council would not itself be developing the site, rather this would be undertaken by a private developer. At this point a capital receipt would be used to repay the debt liability at the end of the investment period. This approach needs to be agreed with the Council's auditors.
19. Should the value of the capital investment reduce and not be sufficient to repay the entirety of the "borrowing"; an MRP charge would need to be made to make up the shortfall.

#### **Environmental Impact**

20. Site area is on the Council's Prioritised list under Part 2A of the Environmental Protection Act 1990 and an intrusive investigation will be required as a condition of planning for any proposed change of use. Remediation will be required to make the land suitable for residential uses.
21. The project provides the opportunity to remediate or remove the historic landfill on the site and to improve the flood capacity of the Oxpens area

#### **Equalities Impact**

22. The Initial Assessment is that the contents of this report do not lead to any unjustifiable differential impact on relevant groups. The project will provide an important means to deliver new private and affordable housing and commercial spaces in support of economic development and the creation of new jobs.

#### **Name and contact details of author:-**

Name **Fiona Piercy**

Service Area: **Regeneration & Housing**

Tel: **01865 252185** e-mail: [fpiercy@oxford.gov.uk](mailto:fpiercy@oxford.gov.uk)

**Background Papers:** None

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## Appendix 1 – Risk Register Oxpens Delivery Strategy

Risk ID	Risk						Corporate Objective	Gross Risk		Current Risk		Residual Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/Contract Only)
Category -000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
CEB-001-R&H	Investor Agreement	Threat	Failure to secure investor partner	Differing objectives, unattractive terms	Delays in delivery	Oct 15		4	4	4	3	4	3	R&H (DE)		1 mths
CEB-002 – R & H	LGF Funding	Threat	Funding Terms not met	Lack of Investor agreement	Delays in delivery whilst new partner sought.	Jan 15		4	4	4	3	5	3	R&H (DE)		3 mths
CEB-003-R&H	Site conditions	Threat	Cost increases arising from unduly high abnormals	Abnormals above that anticipated	Longer development period, reduced returns	Jan 15		5	5	4	4	4	3	R&H (DE)		
CEB-004-R&H	Market Changes	Threat	Downturn impacts on returns	Property Market & economic cycles	Return on investment reduces	Jan 15		3	3	3	3	3	3	R&H (DE)		3-5yrs
CEB-005-R&H	Market Changes	Opportunity	Upturn impacts on returns	Property Market & economic cycles	Return on investment increases	Jan 15		3	3	3	3	3	3	R&H (DE)		3-5yrs
CEB-006-R&H	Land assembly	Threat	Unable to agree terms with adjacent landowners	Unrealistic expectations	Delays & exercise of CPO powers incurs additional cost	Jan 15		4	4	4	3	4	3	R&H (DE)		1mth-3 years

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestone	Milestone Delivery Date	%Action Complete	Date Reviewed
001	Investor agreement	R&H (FP)	Accept & aim to reduce	Negotiate and agree, early testing, alternative approach	Soft market testing Agree draft heads of terms	Dec 15	10%	

002	LGF Funding	R&H FP	Accept & aim to reduce	Complete investor agreement.	Engrossed documents	March/April 16	0%	
003	Site Conditions	R&H	Accept & aim to reduce	Site investigations. Desktop research.	Complete desktop studies. Complete	September 2014	100%	
003	Site Conditions	LLP	Accept & aim to reduce	Site investigations. detailed	Complete intrusive investigations	Spring 2016	0%	
004	Market downturn	R&H (FP)	Accept	Defined level of investment capped relative to baseline land value.	JLL RLV appraisal	Dec 2014	100%	
004	Market downturn	Finance (NK)	Accept	MRP to be made should value of land drop below investment value	Annual Monitoring	Oct 2015	0%	
006	Land Assembly	R&H (FP)	Accept & aim to reduce	In principle agreement on railway land.	Finalise acquisition.	Dec 2015	0%	
006	Land Assembly	R&H (FP)	Accept & aim to reduce	Complete negotiations with relevant landowners.	Finalise position.	Spring 2016	50%	

## MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 10 September 2015

www.oxford.gov.uk



**COUNCILLORS PRESENT:** Councillors Price (Leader), Turner (Deputy Leader), Brown, Hollingsworth, Rowley, Simm and Sinclair.

**OTHER MEMBERS PRESENT:** Councillor Jean Fooks, Councillor Craig Simmons and Councillor Louise Upton

**OFFICERS PRESENT:** Peter Sloman (Chief Executive), Tim Sadler (Executive Director Community Services), Nigel Kennedy (Head of Financial Services), Lindsay Cane (Law and Governance), Ian Brooke (Head of Community Services), Matthew Bates (City Development), Lyndsey Beveridge (Senior Planner), Geoff Corps (Cleaner Greener Services Manager), Paul Wilding (Benefit Operations Manager) and Catherine Phythian (Committee Services Officer)

### 64. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Kennedy and Cllr Tanner.

### 65. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 66. PUBLIC QUESTIONS

The City Executive Board noted the following public questions and the written officer responses (as published) on agenda item 7: Adoption of the Leisure & Wellbeing Strategy:

- Mr Nigel Gibson
- Mr Artwell

### 67. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

Cllr Sinclair addressed the Board with regard to the closure of the Ampleforth Tavern. She said that the pub had closed suddenly earlier in the year and that some local residents (The Ampleforth Revival group) were hoping to re-open it as a community asset. Cllr Sinclair asked whether there was any practical support that the City Council could provide to this group, for example in drafting

the business case. She also suggested that there might be an opportunity to use the premises/site for housing units.

The Board noted that the number of closures of pubs across the city was an issue of concern. They Board agreed that the Council should provide some practical support to the resident group and that it would be appropriate to ask Housing Association partners to make contact as well. The Board requested that the Head of Financial Services and Head of Housing and Property should take this forward with the local resident group.

## **68. SCRUTINY COMMITTEES REPORTS**

The Chair of the Scrutiny Committee submitted the following reports for consideration by the Board:

### **(a) Leisure & Wellbeing Strategy 2015-2020**

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 7: Adoption of the Leisure & Wellbeing Strategy 2015-2020 (minute 70).

### **(b) Oxford Growth Strategy**

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 9: Oxford Growth Strategy (minute 72).

### **(c) Report of the Scrutiny Finance Panel - Municipal Bonds**

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 12: Treasury Management Annual Report 2014-2015 (minute 75).

### **(d) Report of the Cycling Review Group**

The Scrutiny Officer submitted a report (previously circulated, now appended) which detailed the findings and recommendations of the cross-party Cycling Review Group, and the City Executive Board responses to those recommendations.

Cllr Upton, Chair of the Cycling Review Group presented the report. She said that the first meeting of the Cycling Forum had taken place on 9 September 2015 and that this promised to be fertile ground for further progress and initiatives.



She urged the Board to support the case for a dedicated “cycling officer” either as a City Council post or through some joint funded arrangement with either the County Council, the NHS and the universities. In discussion the Board concluded that it would be a better use of limited resources to support and develop the role of the Cycling Forum and joint working with other organisations.

The Board noted that there had been no response from the County Council with regard to the Council motion on cycling which was passed at the meeting on 14 December 2014.

With reference to the Cycling Review Group recommendations the Executive Board Member for Planning, Transport and Regulatory Services confirmed that the Council would accept and progress Recommendation 1 on signage as a “quick fix”. He said that the Board was generally supportive of the recommendations and that where there was “agreement in part” this was because there was further work needed on the details and costings of the recommendation before it could be accepted. Similarly it was important to focus the limited resources on those recommendations where the Council had most control and the greatest chance of success.

The Board commended the Scrutiny Cycling Review Group on an excellent piece of review work and thorough report.

The City Executive Board resolved to:

1. **Agree** the following recommendations from the Cycling Review Group: Recommendations 3, 4, 5, 6, 7 and 9.
2. **Agree** in part the following recommendations from the Cycling Review Group: Recommendations 1, 2 and 8.

#### **(e) Report of the Waste Water Flooding Panel**

The Scrutiny Officer submitted a report (previously circulated, now appended) which detailed the outcomes of the Waste Water Flooding Panel's recent engagement with Thames Water Utilities on the progress of the Oxford Catchment Study.

Cllr Simmons, Chair of Scrutiny Committee presented the report, highlighting the fact that although this was a relatively short report it was the product of a significant amount of underlying discussions and interactions between the Council and Thames Water Utilities. He said that he was confident that as a result of the work of the Scrutiny Panel the Council was now receiving a better level of service from Thames Water Utilities. The Board endorsed this view. The Board supported the suggestion that the next meeting with Thames Water Utilities should be an all member seminar rather than a meeting with the Scrutiny Panel.

The City Executive Board resolved to AGREE the Scrutiny Committee recommendation:

1. That the City Council continues to engage with Thames Water Utilities (TWU) at a senior level through the Oxford Area Flood Partnership and other appropriate channels. This should include early engagement in relation to future development proposals that affect TWU.

#### **69. COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA**

Cllr Fooks addressed the Board with regard to agenda item 9: Oxford Growth Strategy and agenda item 13: Integrated Performance Report Quarter 1 2015-16.

Her comments were addressed during the discussion of those items (Minutes 72 and 76).

#### **70. ADOPTION OF LEISURE & WELLBEING STRATEGY 2015 - 2020**

The Head of Community Services submitted a report (previously circulated, now appended) which presented the Leisure & Wellbeing Strategy 2015-2020 that had been updated to reflect responses from public consultation.

Cllr Rowley, Executive Board Member for Leisure, Parks and Sports presented the report and tabled the City Executive Board responses to the Scrutiny Committee recommendations (appended).

Cllr Simmons, Chair of Scrutiny Committee, said that the Scrutiny Committee had concluded that the overall leisure offer in the City was very good and he was pleased to note that the recommendations had been accepted in whole or in part.

The Head of Community Services undertook to provide the Board with an update on progress in developing and improving the leisure elements of the Council's social media apps.

In discussion the Board noted that although the Council did not provide any specific leisure activities for disabled residents on the autistic spectrum, the "low impact" activities such as pilates and outdoor activities were regarded as being suitable. These were complemented by activities provided by organisations like the Pegasus Theatre and the South Oxfordshire Adventure Playground. The Head of Community Services said that this was a matter that could be kept under review. The Board was pleased to note the important role of volunteers in providing the City's leisure service.

The City Executive Board resolved to:

1. **Approve** the Leisure & Wellbeing Strategy, 2015-2020.

## **71. AWARD OF CONTRACT FOR DISPOSAL OF WASTE FOR RECYCLING**

The Head of Direct Services submitted a report (previously circulated, now appended) which detailed the procurement process for the disposal of City collected recycle and requested that the Director of Community Services be given delegated authority to award contracts to a supplier or suppliers having completed the open procedure of tender.

The Director of Community Services and Deputy Head of Direct Services presented the report. They said that the Council faced substantial pressure on the waste collection service due to the dramatic fall in market prices for recycle. They explained that this was linked directly to global oil prices. The Board noted that this would be a complicated procurement process but that the intention was to retain maximum flexibility in order to respond to changing market conditions going forward.

The Board agreed that recommendation 2 should be approved as drafted but added the caveat that if there were any complications in the procurement process the Director of Community Services should bring the matter before the Board.

The City Executive Board resolved to:

1. **Grant** project approval in regard to the project for the disposal of recycled materials, as described in this report;
2. **Delegate** authority to the Director of Community Services, after consultation with the Council's s151 and Monitoring Officers, to award the contract or contracts to the supplier or suppliers selected following completion of the EU-compliant open tender process described in this report, for the disposal of the City's recycle.

## **72. OXFORD GROWTH STRATEGY**

The Head of Planning and Regulatory Services submitted a report (previously circulated, now appended) which detailed the progress of the Oxford Growth Strategy and identified future financial pressures which may arise as a consequence of it.

Cllr Hollingsworth, Executive Board Member for Planning, Transport and Regulatory Services presented the report and tabled the City Executive Board responses to the Scrutiny Committee recommendations (appended). In summary he said that the aim of the Growth Strategy was to promote and deliver sustainable urban extensions to Oxford, by way of a Green Belt review in order

to meet the huge housing need within the City. Fundamental to this was the success of the City Council's joint working with the other Oxfordshire authorities and stakeholders.

In discussion the Board noted the importance of ensuring that the Growth Strategy addressed both social/affordable and private housing need and also the requirements of the local workforce. The Board also commented on the challenges facing the Council in delivering the Growth Strategy.

The Board thanked officers for the clear and comprehensive report.

The City Executive Board resolved to:

1. **Note** the contents of this report, in particular the potential need to identify additional resources of £310,000.

### **73. COUNCIL TAX REDUCTION SCHEME 2016-2017**

The Executive Director of Organisational Development and Corporate Services submitted a report (previously circulated, now appended) which detailed recommendations for the operation of the Council's Council Tax Reduction Scheme in 2016-2017.

Councillor Brown, Executive Board Member for Customer Services and Corporate Services presented the report.

In response to questions from the Board regarding future cost projections the Revenue and Benefits Programme Manager said that any future increase in expenditure under the scheme would be directly proportional to the reduction in overall grant funding. The Head of Financial Services advised the Board that it would be prudent to assume that the Revenue Support Grant could reduce to zero by 2017-18 and that this would have a significant impact on the future cost of the scheme.

The City Executive Board resolved to:

1. **Approve** the existing Council Tax Reduction Scheme for use in 2016-2017.

### **74. AWARD OF INTERNAL AUDIT CONTRACT**

The Head of Financial Services submitted a report (previously circulated, now appended) which requested authorisation to award a contract to deliver the Council's Internal Audit service.

Councillor Turner, Board Member for Finance, Corporate Asset Management and Public Health presented the report.

The City Executive Board resolved to:

1. **Approve** the award of the Internal Audit Service contract to BDO LLP for a period of 3 and a half years initially with the possibility of an extension for up to 2 years.

## **75. TREASURY MANAGEMENT ANNUAL REPORT 2014-2015**

The Head of Financial Services submitted a report (previously circulated, now appended) which detailed the Council's treasury management activity and performance for 2014-2015 and recommended some changes to the Treasury Management Strategy for 2015-16.

Councillor Turner, Board Member for Finance, Corporate Asset Management and Public Health presented the report.

In discussion of this agenda item the Board also considered the report of the Scrutiny Finance Panel on Municipal Bonds (agenda item 5c refers) and the City Executive Board responses to the Scrutiny recommendations.

The Board welcomed the establishment of the Municipal Bonds Agency (MBA) as an alternative source of financing, whilst noting that the City Council was unlikely to need to use its services in the immediate future. The Section 151 Officer said that he and the Council's financial advisers had some reservations about the detail and robustness of the MBA service offering and preferential investment rates. The Board Member said that he would bring an update report to the City Executive Board once these points had been clarified. The Board noted that the final decision on any potential future investment would be a matter for the Section 151 Officer in consultation with the Portfolio Holder.

The City Executive Board resolved to:

1. **Note** the Treasury Management Annual Report; and
2. **Recommend Council to resolve to** approve the Revised MRP Policy as set out in Appendix 1 and approve the amendment to the Non-Specified Investments list attached at Appendix 2 of the report.

## **76. INTEGRATED PERFORMANCE REPORT QUARTER 1 2015/16**

The Head of Financial Services and the Head of Business Improvement submitted a report (previously circulated, now appended) which detailed the Council's projected outturn for finance and performance and the risks faced at the end of Quarter 1, 30 June 2015.

Councillor Turner, Board Member for Finance, Corporate Asset Management and Public Health presented the report. He said that the overall position was satisfactory but drew attention to Recommendation 5 which was in response to the Chancellor's July Budget Statement proposals which would significant

ramifications for the Council's Medium Term Financial Plan and the Housing Revenue Account. He said that the Council needed to be cautious at this stage and that it was hoped that there would be greater certainty about the situation at the time of the budget consultation.

The Board noted that the Scrutiny Finance Panel would be meeting to scrutinise the budget proposals and agreed that this should include the proposed deferment of some capital projects.

The Head of Financial Services undertook to provide a written response to Cllr Fooks' query regarding the % estimated savings that relate to the total budget.

The Leader of the Council expressed concern about the following Financial Services performance indicators:

- % of invoices paid on time – currently 85.2% of invoices paid on time against a target of 98%;
- Time to process new benefit claims – currently at 15.66 days against a target of 14 days.

He acknowledged the hard work of the Financial Services staff but stressed that these were performance indicators for two very important Council functions which had a direct impact on residents and businesses.

The City Executive Board resolved to:

1. **Note** the projected General Fund outturn of £0.385 million which will be funded from corporate contingencies, the break-even position on the Housing Revenue Account and projected Capital underspend and slippage of £0.921 million
2. **Note** the performance and associated risk positions as set out in paragraphs 11-15;
3. **Approve** a £0.300 million virement from the corporate policy contingency to the Culture service;
4. **Recommend to Council to resolve that** additional budget of £115,289 for parks works be included in the Capital Programme to be financed from external grant funding; and
5. **Approve** the recommendation to apply a temporary moratorium on General Fund and HRA capital expenditure in accordance with paragraphs 14 and 15.

Cllr Turner left the meeting at the end of this item.

## **77. LOAN FACILITY TO LOW CARBON HUB**

The Head of Direct Services submitted a report (previously circulated, now appended) which detailed the first draw down and repayment of the Council's loan to the Low Carbon Hub agreed by the City Executive Board at its meeting on the 11 June 2014 and recommended subsequent drawdowns.

The Executive Director, Community Services reminded the Board that he was a Non-Executive Board Member of the Low Carbon Hub.

The Head of Financial Services presented the report, highlighting the work of the Low Carbon Hub on projects which had delivered £500k benefit to the residents of Oxford as detailed in paragraph 8 of the report.

The City Executive Board resolved to:

1. **Note** the success of the first draw down and repayment of the 2014 loan facility, and approves a further draw down from the loan facility as follows:
  - a) 800k secured against solar panel equipment (as in the previous tranche)
  - b) 823k secured against the Hub's income stream from current projects
  - c) that such further draw down be on a 12 month repayment timescale at an interest rate of 5%; and
2. **Delegate authority to** the Council's Section 151 Officer, in consultation with the Monitoring Officer, to enter into a Supplemental Agreement with the Low Carbon Hub, reflecting the arrangements for the further draw down from the loan facility.

## **78. BMW DEVELOPMENT AND HORSPATH SPORTS PARK**

The Head of Community Services submitted a report (previously circulated, now appended) which detailed proposals to agree a contract with BMW which would transfer their sports facilities to a new site enabling future development of their factory.

The Executive Board Member for Leisure, Parks and Sport presented the report, noting that the proposals related to outdoor facilities only and did not concern the sports and social club facilities.

The Board noted that this would be a complex and challenging project to deliver.

The City Executive Board resolved to:

1. **grant project approval** to facilitate the transfer of the existing sports facilities on land owned by BMW at its Horspath Road, Cowley site ("the BMW Site") to adjacent land held by the Council ("the Council Land");
2. **agree** to the termination of the Council's current use of the Council Land, on the basis that it is to be used for the purpose of re-providing the sports and leisure facilities currently on the BMW Site.
3. **grant delegated authority** to the Executive Director, Community Services, in consultation with the Council's s151 and Monitoring Officers, to
  - a. negotiate and agree the terms of the arrangement with BMW, on the basis that the total payment received from BMW is not less than £4.9m (index linked as stated in the report) and that any contract agreed with BMW contains provisions to ensure that the Council receives an

- appropriate share in any uplift in value of the BMW Site on any future sale of it;
- b. award, after undertaking a suitable procurement process and securing planning consent a contract to the selected supplier or suppliers, to undertake all construction work required for the re-provision of the sports and leisure facilities; and
  - c. undertake a market testing exercise of the management of the re-sited sports facilities on the Council Land.
4. **seek** to protect and re-provide, where possible, all current use by sports clubs of the sports and leisure facilities on the BMW Site.
5. **recommend Council to resolve to** agree a new capital budget of £4.9 million funded by the capital receipt from the sale of the land to fund the replacement of the facilities.

## **79. ITEMS RAISED BY BOARD MEMBERS**

No items were raised by Board Members.

## **80. MINUTES**

The Board resolved to APPROVE the minutes of the meeting held on 30 July 2015 as a true and accurate record.

## **Matters Exempt from Publication**

The City Executive Board resolved to exclude the press and public from the meeting during consideration of the items in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

## **81. CONFIDENTIAL APPENDICES FOR LOW CARBON HUB**

The Board received and noted the contents of the not for publication appendices to the report at agenda item 14 (minute 77).

## **82. CONFIDENTIAL APPENDICES FOR BMW DEVELOPMENT AND HORSPATH SPORTS PARK**

The Board received and noted the contents of the not for publication appendices to the report at agenda item 15 (minute 78).



**The meeting started at 5.00 pm and ended at 6.30 pm**

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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