



SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS)

**Meeting to be held in the Civic Hall, Leeds on
Monday, 10th November, 2008 at 10.00 am**

(A pre-meeting will take place for ALL Members of the Board at 9.30 am.)

MEMBERSHIP

Councillors

B Anderson (Chair)	-	Adel and Wharfedale
A Blackburn	-	Farnley and Wortley
A Castle	-	Harewood
B Cleasby	-	Horsforth
D Coupar	-	Middleton Park
A Gabriel	-	Beeston and Holbeck
D Hollingsworth	-	Burmantofts and Richmond Hill
G Hyde	-	Killingbeck and Seacroft
G Kirkland	-	Otley and Yeadon
J Marjoram	-	Calverley and Farsley
L Mulherin	-	Ardsley and Robin Hood
M Rafique	-	Chapel Allerton

Please note: Certain or all items on this agenda may be recorded on tape

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded.)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on this agenda.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal / prejudicial interests for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>MINUTES - 13TH OCTOBER 2008</p> <p>To confirm as a correct record the minutes of the Scrutiny Board (Environment and Neighbourhoods) meeting held on 13th October 2008.</p>	1 - 10
7			<p>EXECUTIVE BOARD - MINUTES</p> <p>To receive the minutes of the Executive Board meeting held on 8th October 2008.</p>	11 - 20
8			<p>INQUIRY INTO PRIVATE RENTED SECTOR HOUSING</p> <p>To consider a report of the Head of Scrutiny and Member Development presenting evidence in line with Session 1 of the Board's Inquiry into Private Rented Sector Housing.</p>	21 - 66
9			<p>ENFORCEMENT OF DOG FOULING</p> <p>To consider a report of the Head of Scrutiny and Member Development presenting a briefing on the enforcement of dog fouling in Leeds.</p>	67 - 72

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p data-bbox="676 181 1283 248">INQUIRY INTO ASYLUM SEEKER CASE RESOLUTION</p> <p data-bbox="676 293 1385 434">To consider a report of the Head of Scrutiny and Member Development presenting evidence in line with Session 1 of the Board's Inquiry into Asylum Seeker Case Resolution.</p>	73 - 84
11			<p data-bbox="676 510 1171 539">CURRENT WORK PROGRAMME</p> <p data-bbox="676 584 1406 725">To consider a report of the Head of Scrutiny and Member Development on the Board's current Work Programme for the remainder of the municipal year.</p>	85 - 96
12			<p data-bbox="676 801 1305 831">DATE AND TIME OF THE NEXT MEETING</p> <p data-bbox="676 869 1310 936">Monday 8th December 2008 at 10.00am (Pre-meeting for Board Members at 9.30am)</p>	

Agenda Item 6

SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS)

MONDAY, 13TH OCTOBER, 2008

PRESENT: Councillor B Anderson in the Chair

Councillors A Blackburn, B Cleasby,
D Coupar, D Hollingsworth, G Hyde,
L Mulherin and M Rafique

35 Chair's Opening Remarks

The Chair welcomed everyone to the October meeting of the Scrutiny Board (Environment and Neighbourhoods).

36 Late Items

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair consented to the submission of a late item of business relating to a summary report of the working group's discussions regarding the Board's Inquiry into Street Cleaning (Agenda Item 11) (Appendix B) (Minute 45 refers). The report was late due to the short timescale involved in producing the report and consulting working group members on its content.

37 Declarations of Interest

The following personal declarations were declared:-

- Councillor B Anderson in his capacity as Chair of the West North West Homes (Agenda Items 8, 9, 10 and 11) (Minutes 42, 43, 44 and 45 refer)
- Councillor A Blackburn in her capacity as a Director of West North West Homes (Agenda Items 8, 9, 10 and 11) (Minutes 42, 43, 44 and 45 refer)
- Councillor D Coupar in her capacity as a member on Belle Isle North Estate Management Board (Agenda Items 8, 9, 10 and 11) (Minutes 42, 43, 44 and 45 refer)
- Councillor D Hollingsworth in his capacity as a Director of East North East Homes (Agenda Items 8, 9, 10 and 11) (Minutes 42, 43, 44 and 45 refer)
- Councillor G Hyde in his capacity as a Director of East North East Homes (Agenda Items 8, 9, 10 and 11) (Minutes 42, 43, 44 and 45 refer)

38 Apologies for Absence

Apologies for absence were received on behalf of Councillor A Gabriel, Councillor G Kirkland and Councillor J Marjoram.

39 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 8th September 2008 be confirmed as a correct record.

40 Matters Arising from the Minutes

(a) Members' Questions – Executive Member for Environmental Services (Minute 27(a) refers)

That this Board notes the follow up of information in the form of a written submission from Councillor S Smith on **dog fouling enforcement**.

In addition to the written submission, the Board sought clarification on a number of issues from Councillor S Smith, Executive Member for Environmental Services and Andrew Mason, Chief Environmental Services Officer who were in attendance.

Specific reference was made to the following issues:-

- clarification as to why **fixed penalty notices** in relation to dog fouling had reduced over the last three years
- the need for dog fouling enforcement to become a standing item on the Board's agenda until further notice
- the need for more staff to be employed within the Dog Warden Service
- clarification of the hours worked by Dog Wardens
(The Chief Environmental Services Officer responded and agreed to provide the Board with the relevant details)

Following a brief discussion, the Board agreed to have a standing item on dog fouling enforcement at future meetings to include information on the number of dog fouling fixed penalty notices, prosecutions, stray dogs impounded and the number of service requests dealt with on a ward basis.

(b) Update on the Supporting People Programme (Minute 29 refers)

That this Board notes the follow up information provided by the Head of Housing Strategy and Commissioning in relation to the Supporting People Programme. In particular, the Board noted the **Housing Strategy and Commissioning - Competitive Procurement Overview Plan**, but requested further detail around the dates for each tendering exercise.

(c) Scrutiny Inquiries – Draft Terms of Reference (Minute 30 refers)

The Principal Scrutiny Adviser reported on the latest developments with regards to a possible Board visit to the Brunswick Gardens Retirement Village in Sheffield to observe a new retirement village as part of the Board's Inquiry into **Older People's Housing**.

Following a brief discussion, the Principal Scrutiny Adviser agreed to arrange a suitable date for the visit (avoiding Tuesdays and Thursdays) and to advise Board Members accordingly.

The Board also noted that Councillor J Chapman (Chair of Adult Social Care Scrutiny Board) would be joining the Board for this particular Inquiry.

- (d) CO2 Emissions Inquiry – Formal Response (Minute 32 refers)
That this Board notes the follow up information provided by the Head of Sustainable Development in relation to those outstanding issues on **CO2 emissions** referred to within the minutes.

The Board agreed that no further action was required.

- (e) Lettings Policy – Proposed Changes (Minute 33 refers)
That this Board notes the decision of the Executive Board on 8th October 2008 in endorsing the changes in relation to the **Lettings policy**.

(Councillor D Coupar joined the meeting at 10.05 am during discussion of the dog fouling enforcement issue)

41 Executive Board - Minutes

RESOLVED – That the minutes of the Executive Board meeting held on 2nd September 2008 be received and noted.

42 Accountability Arrangements for 2008/09 and Quarter 1 Performance Report

The Head of Policy Performance and Improvement submitted a report on performance information at the end of Quarter 1 (April 2008-June 2008).

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- (a) Performance Indicators to be reported to Environment Neighbourhoods Scrutiny Board 2008-09 (Appendix 1 refers)
- (b) Accountability Reporting Guidance (Appendix 2 refers)
- (c) Environment and Neighbourhoods Scrutiny Board Quarter 1 Performance Report 2008-09
- (d) Corporate Balanced Scoreboard 2008/09 (based on predicted year end performance from quarter 1 results)

The following representatives were in attendance and responded to Members' queries and comments:-

Councillor J L Carter, Executive Member for Neighbourhoods and Housing
Councillor S Smith, Executive Member for Environmental Services
Neil Evans, Director of Environment and Neighbourhoods
Andrew Mason, Chief Environmental Services Officer
Heather Pinches, Performance Manager

The Board was initially asked to provide their views on the format of the new reporting arrangements and to identify any gaps or areas where further information was required.

The following comments were made on the format of the new reporting arrangements:-

Draft minutes to be approved at the meeting
to be held on Monday, 10th November, 2008

- the need to ensure that those indicators that fall outside of the national set were still being monitored regularly
(*The Performance Manager responded and reassured the Board that the new reporting arrangements still allow for the monitoring of local indicators. Directorates were asked to complete a performance indicator checklist and to cross reference these to improvement priorities, related policies and strategies and service plan/risk register activity*)
- the need to clearly differentiate between the performance results and the data quality status within the report. A suggestion was also made for the inclusion of data quality 'traffic lights', rather than just comments within future reports
(*The Performance Manager responded and agreed to feed this back to the Policy, Performance and Improvement Team*)

In summary, specific reference was made to the following performance issues:-

General Issues

- reference to a reduction in the reported incidents of **domestic violence** and whether the Leeds Women's Aid had provided any opinion on the reasons for this fall in numbers
(*The Director of Environment and Neighbourhoods responded and outlined the well established networks that were in place with other agencies and clarified that this fall was a regional trend which may be linked to a change in recording practices or impacted upon by referrals to the new Sanctuary scheme. It was noted that this was to be investigated further and would involve closer working with the Crown Prosecution Service*)
- the concerns expressed at the 13% increase in the **serious violent crime rate**. It was noted that the Home Office had changed the definition of this target and that the Council was awaiting baseline data in line with the new definition
- clarification of the number of offences of **dwelling burglary** recorded by the police; the target hardening work to improve security in vulnerable households; and the work with ALMOs to update security in these properties
- reference was made to other **Community Safety National Indicators** where the West Yorkshire Police were working towards producing district level information before December 2008. It was suggested that once this information was available, it should be reported to Area Committees
- the need to address the issue of dog fouling and to effectively utilise existing resources by exploring the use of other enforcement officers as well as dog wardens

- the concerns expressed that the total number of **homeless acceptances** had seen a quarterly increase of 34% from 224 in Quarter 4 07/08 to 301 in Quarter 1 08/09. Members queried whether this was due to the **credit crunch**
(The Executive Member for Neighbourhoods and Housing responded and informed the meeting that the 'credit crunch' was only one of a number of influencing factors. The Board noted that the Advisory Service was key in supporting people in retaining their homes and that people needed to raise any concerns as early as possible)
- the concerns expressed about the poor condition of some **temporary accommodation** properties and the need to inspect them thoroughly
(The Executive Member for Neighbourhoods and Housing and the Director of Neighbourhoods and Housing responded and agreed to reply directly to Councillor G Hyde on this specific issue)

Streetscene/Refuse Issues

- clarification of the start date and the wards chosen in relation to the **fortnightly green bin collection pilot**
(The Director of Environment and Neighbourhoods responded and informed the Board that the pilot would commence on 27th October 2008 taking in a cross section of wards from Otley to the centre of Leeds)
- the concerns expressed that members of the public were generally confused as to what should be placed in **green bins** and that some members of the public were still unaware of the problems associated with **contaminated bins**
(The Director of Environment and Neighbourhoods responded and informed the meeting that the number of contaminated bins throughout the city was reducing due to the current educational awareness programmes in place)
- assurances were sought that no waste material from the UK, and from Leeds City Council had been found buried in India
(The Executive Member for Environmental Services responded and confirmed that there was an investigation underway given that the Council did not have a contract with India. He agreed to keep the Board informed of the ongoing investigation. In addition to this, Board Members were also invited to visit the premises of the main contractor dealing with kerbside collected materials to see what processes the materials go through before exporting)
- the concerns expressed about the continuing practice of **missed bin collections** in wards throughout the city and the need for effective procedures to be in place
(Following discussions, it was agreed to add the missed bins collections performance indicator to the list of local indicators for future reports and for this information to be broken down into different rounds if possible)

RESOLVED –

- (a) That the contents of the report and appendices be noted.
- (b) That the outstanding issues referred to above be dealt with by those officers identified within the minutes and reported back to Board Members.

(Councillor G Hyde joined the meeting at 10.20 am during discussions of the above issue).

43 Recommendation Tracking

Referring to Minute 31 of the meeting held on 8th September 2008, the Head of Scrutiny and Member Development submitted a report on recommendation tracking which focused on the **Streetscene Grounds Maintenance Contract**.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- (a) Performance tracking flowchart and classifications: Questions to be considered by Scrutiny Boards (Appendix 1 refers)
- (b) Recommendations Tracking – Progress Report (October 2008) (Appendix 2 refers)

The following officers were in attendance and responded to Members' queries and comments:-

Steve Smith, Head of Environmental Services
Andrew Mason, Chief Environmental Services Officer
Claire Warren, Chief Executive, West North West Homes, Leeds
Phil Hirst, Housing Services Development Manager, Aire Valley Homes, Leeds

In summary, specific reference was made to the following issues:-

- the views expressed that the Streetscene Grounds Maintenance Contract was not working effectively and seeking clarification of when the residents of Leeds would eventually see an improvement in service delivery
(The Head of Environmental Services responded and commented that many of the problems encountered were weather and staff related and that the department was monitoring the contract performance)
- the concerns expressed about areas of land still not being identified as part of the contract
- clarification of how the department identified areas of land where grounds maintenance was required
(The Head of Environmental Services responded and confirmed that the mapping database had been in-accurate. He informed the Board that a Grounds Maintenance Service Improvement Plan would be produced in early 2009. The Board agreed to revise its work programme with a view to considering the Service Improvement Plan in January/February 2009)

- the concerns expressed that residents were unaware of the frequency of **grass cutting and shrub maintenance**
(*The Head of Environmental Services responded and outlined the general timetable for grass cutting and shrub maintenance. He agreed to supply a copy of the comprehensive timetable to the Board for their retention/information*)
- the need for robust and consistent contract monitoring arrangements for ground maintenance
- clarification of the training arrangements made available to grounds maintenance staff
- clarification of how the local contractor dealt with the banking areas across the city which should be cut as part of the contract
(*The Head of Environmental Services responded and agreed to provide an update for the Board on this issue*)

RESOLVED –

- (a) That the contents of the report and appendices be noted.
- (b) That the outstanding issues referred to above be dealt with by those officers identified within the minutes and reported back to Board Members.

(Councillor L Mulherin left the room at 11.35 am and returned at 11.40 am during discussions of the above item)

(Councillor M Rafique left the room at 11.35 am and returned at 11.45 am during discussion of the above item)

44 Miscellaneous Properties

The Director of Environment and Neighbourhoods submitted a report on the numbers and occupation levels of miscellaneous properties belonging to the Council but not within the ALMO portfolios.

John Statham, Strategic Landlord Manager and Laura Kripp, Asset and Development Manager were in attendance and responded to Members' queries and comments.

In summary, specific reference was made to the following issues:-

- the concerns expressed about a number of properties in the Wharfedale area which were occupied by squatters and the need for action
(*The Strategic Landlord Manager responded and reiterated the importance of the ongoing work around miscellaneous properties to tease out such issues*)
- clarification of the process and timelines involved when a property was being returned to the Council

- clarification of the long term leases in relation to the **Supporting People Programme**
- the need to bring returned properties up to the Decent Homes Standard
- clarification of the process involved in relation to the **homebuyers scheme**

RESOLVED –

- (a) That the contents of the report be noted.
- (b) That the Strategic Landlord Manager and the Principal Scrutiny Adviser be requested to prepare an update on progress in relation to this issue for submission to a future Board meeting.

45 Inquiry into Street Cleaning

The Head of Scrutiny and Member Development submitted a report presenting evidence in line with session one of the Board's Inquiry into Street Cleaning.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- (a) Scrutiny Board (Environment and Neighbourhoods) – Inquiry into Street Cleaning – Terms of Reference (Appendix 1 refers)
- (b) Scrutiny Board (Environment and Neighbourhoods) – Inquiry into Street Cleaning – Summary report of the working group meeting held on 24th September 2008 (Appendix 2 refers)

The following officers were in attendance and responded to Members' queries and comments:-

Steve Smith, Head of Environmental Services
 Andrew Mason, Chief Environmental Services Officer
 Claire Warren, Chief Executive, West North West Homes, Leeds
 Phil Hirst, Housing Services Development Manager, Aire Valley Homes, Leeds

Prior to discussing the report, the Chair invited the ALMO representatives to outline their key roles in relation to Street Cleaning for the benefit of Board Members.

In summary, specific reference was made to the following issues:-

- clarification of what the ALMOs perceive to be the minimum standard of cleanliness for their estates
(The Board's Principal Scrutiny Advisor agreed to follow up written briefings from each of the ALMOs about what they perceive to be their responsibilities for street cleaning and also what they perceive to be the minimum standard of cleanliness of their estates)

- clarification of whether the ALMOs were supported by Streetscene Services when undertaking walkabouts on their estates
- the need to simplify the arrangements for street cleaning as the current arrangements appear confusing, particularly in relation to the streetscene/ALMO responsibilities
- the importance of regular **ginnel cleaning**
(The Head of Environmental Services responded and acknowledged that whilst maintenance was the key factor, ginnel cleaning was an on-going issue)
- clarification of the procedure in relation to leaf fall on ALMO land and the equipment used by Streetscene Services
- the need to move towards a common monitoring standard
- reference to a recent press release issued in relation to the Scrutiny Board's Inquiry into Street Cleaning and the responses already received from members of the public regarding the standard of street cleanliness
(The Chief Environmental Services Officer responded and made a commitment to provide a summary of the department's response to the public letters received)

RESOLVED –

- (a) That the contents of the report and appendices be noted
- (b) That the evidence provided in line with session one of its Inquiry into Street Cleaning be received and noted.

(Councillor L Mulherin and Councillor M Rafique left the meeting at 12.25 pm during discussion of the above item)

46 Inquiry into Asylum Seeker Case Resolution - Draft Terms of Reference

The Head of Scrutiny and Member Development submitted a report presenting draft terms of reference for the Board's forthcoming Inquiry into Asylum Seeker Case Resolution.

RESOLVED –

- (a) That the contents of the report and appendices be noted.
- (b) That approval be given to the terms of reference for the Board's forthcoming Inquiry into Asylum Seeker Case Resolution.

47 Current Work Programme

The Head of Scrutiny and Member Development submitted a report on the Board's current work programme.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Current work programme (Appendix 1 refers)

Draft minutes to be approved at the meeting
to be held on Monday, 10th November, 2008

- Forward Plan of Key Decisions for the period 1st October 2008 to 31st January 2009 (Appendix 2 refers)

RESOLVED –

- (a) That the contents of the report and appendices be noted.
- (b) That a standing item on dog fouling enforcement be incorporated within the Board's work programme.
- (c) That the Grounds Maintenance Service Improvement Plan be incorporated within the Board's work programme for January/February 2009.
- (d) That an update on miscellaneous properties be incorporated within the Board's work programme

48 Date and Time of Next Meeting

Monday 10th November 2008 at 10.00 am (pre-meeting for Board Members at 9.30 am)

(The meeting concluded at 12.35 pm).

EXECUTIVE BOARD

WEDNESDAY, 8TH OCTOBER, 2008

PRESENT: Councillor R Brett in the Chair

Councillors J L Carter, R Finnigan, S Golton,
R Harker, P Harrand, J Procter, S Smith,
K Wakefield and J Blake

Councillor J Blake – Non-voting advisory member

84 Exclusion of the Public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix A to the report referred to in minute 95 under the terms of Access to Information Procedure Rule 10.4 (4) and (5) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would seriously prejudice the Council's position in negotiations and litigation in relation to current and future legal proceedings in the employment tribunal. This could result in significant cost liability to the Council which would have to be met from the public purse.
- (b) Appendix 1 to the report referred to in minute 104 under the terms of Access to Information Procedure Rule 10.4 (3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because publication could prejudice the City Council's financial interests in relation to negotiations currently underway with private sector investors and Yorkshire Forward.

CHILDREN'S SERVICES

85 Managing Pupil Numbers at the new Swallow Hill Community College from 2009/10

The Chief Executive of Education Leeds submitted a report on proposals for managing pupil numbers at the new Swallow Hill Community College when it opens in September 2009 including the proposed provision of an annex on the Wortley School site.

RESOLVED –

- (a) That the strategy proposed to accommodate the additional pupil numbers be approved.

Draft minutes to be approved at the meeting
to be held on Wednesday, 5th November, 2008

- (b) That the expenditure from the education capital programme for the capital costs for establishment of the annex be supported.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

86 Sharp Lane Primary School - Creation of New Entrance and Provision of Remodelling Works

The Chief Executive of Education Leeds submitted a report on proposals to create a new entrance and undertake associated remodelling works at Sharp Lane Primary School and to incur the necessary expenditure.

- (a) That the design proposals in respect of the scheme to create a new entrance and undertake associated remodelling works at Sharp Lane Primary School be approved.
- (b) That the injection of a Section 106 funding contribution, in the sum of £2,866,204, into the approved Capital Programme be approved
- (c) That expenditure of £902,200 be authorised in respect of this scheme.

87 Report on the September 2008 Admission Round for Community and Controlled Schools

The Chief Executive of Education Leeds submitted a report providing statistical information on the September 2008 admission round for community and controlled schools.

RESOLVED – That the report be noted.

88 The National Challenge and Structural Change to Secondary Provision in Leeds

The Chief Executive of Education Leeds submitted a report on the context and proposals for the next phase in developing secondary school provision in Leeds with specific reference to the National Challenge response.

RESOLVED – That a review of provision in East and North East Leeds be commenced by consulting with schools, ward members, young people and communities and an options paper be brought to this Board later this year.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

LEISURE

89 Deputation to Council - Friends of Woodhouse Moor Regarding the Provision of Park Wardens on Woodhouse Moor

The Director of City Development submitted a report responding to issues raised in the deputation by the Friends of Woodhouse Moor to Council in July, on proposed future capital investment, the current revenue situation and measures taken in respect of anti-social behaviour and barbecues on Woodhouse Moor.

- (a) That approval be given for the development of a fully funded bid to the Heritage Lottery Fund Parks For People Programme to be brought back to this Board for approval prior to submission.
- (b) That the work of the Woodhouse Moor Multi-Agency Forum approach to tackle anti-social behaviour in the park be noted.
- (c) That the proposal to consult on the potential for a barbecue area in the park be noted.

90 Garforth Library - Big Lottery Grant

The Director of City Development submitted a report on a proposal to develop a new Library and One Stop Centre for Garforth and the surrounding area following a successful bid to the Big Lottery Fund.

RESOLVED – That a fully funded injection of £1,334,900 into the 2008/11 Capital Programme be approved and that authority be given for expenditure of £1,434,900 on this scheme.

91 The Government Offer in respect of Free Swimming for those 60 years and over and the 16 years and under

The Director of City Development submitted a report on the response to the Government's offer of free swimming for the over 60s and on proposals in respect of the offer in respect of under 16s.

In presenting the report the Executive Member (Leisure) corrected information in table 1 therein with reference to 'Leeds Share' in the right hand column by replacing "£350,000" with "£347,272" and "£143k" with "£170,714".

RESOLVED –

- (a) That it be noted that officers wrote to the Development of Culture, Media and Sport by 15 September indicating acceptance of the offer for free swimming for the over 60s (Pot 1).
- (b) That the Council's participation in Pot 2 to provide free swimming for the under 16s be approved and that a further report be brought back to this Board to agree allocation of government capital provided as part of the free swimming initiative.
- (c) That a further report be brought to this Board in 2010/11 reviewing the free swimming scheme in light of the government funding available at that time for the continuation of such a scheme.

92 New Leaf - Financial Close Position

The Director of City Development submitted a report providing an update on the progress of the procurement through the Local Education Partnership (LEP) of the New Leaf Leisure Centres in Armley and Morley and on the financial position agreed at Financial and Contract Close, which took place on 7th August 2008.

RESOLVED – That the report be noted.

ADULT HEALTH AND SOCIAL CARE

93 Department of Health Extra Care Housing Fund Bid: 2008-2010

The Chief Officer Adult Social Care submitted a report on a proposal to redevelop Hemingway House older persons residential home in Hunslet, replacing it with 45 units of Extra Care Housing for older people, in partnership with Methodist Homes Association and the Primary Care Trust.

RESOLVED –

- (a) That the proposal to develop 45 units of Extra Care Housing for older people on the site of Hemingway House, in partnership with Methodist Homes Association and the Primary Care Trust be approved.
- (b) That the sale of the land at Hemingway House at less than best value to a value forgone of £225,000 be endorsed.

94 Putting People First: Vision and Commitment to the Transformation of Adult Social Care

The Director of Adult Social Services submitted a report providing an update on the work undertaken in Leeds to prepare for the personalisation agenda, since the publication of the concordat “Putting People First” In December 2007.

RESOLVED –

- (a) That progress made in Leeds towards the development of a more personalised system of social care through the Self Directed Support project and other initiatives be noted.
- (b) That, acknowledging the scale and scope of the transformation agenda and the challenge it presents, the approach taken in Leeds to deliver successful change be endorsed.
- (c) That the direct engagement of elected members in these developments be continued by the submission of further reports to this Board, involvement in workshops, seminars, conferences and in the recently established members’ forum.
- (d) That the Board notes the impact Self Directed Support will have on existing service provision including directly provided services and commissioned services in Leeds and the need to accelerate the transformation of these services to meet the challenges and impact of personalisation and customer choice.
- (e) That it be noted that progress and the pace of change regarding the delivery of Personalisation in Leeds will be the subject of some detailed feedback from the recent inspection of Older People’s Services.
- (f) That the Scrutiny Board (Health and Adult Social Care) be requested to monitor progress of the personalisation agenda.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

CENTRAL AND CORPORATE

95 Pay and Grading Review (Including a response to the Deputation to Council by GMB regarding the Current Dispute on Equal Pay)

The Director of Resources submitted a report providing an update on the Pay and Grading Review and responding to the deputation from GMB to full Council on the current dispute relating to Equal Pay.

Following consideration of the appendix to this report, designated as exempt under Access to Information Procedure Rule 10.4 (4) and (5), which was considered in private at the conclusion of the meeting it was

RESOLVED –

- (a) That the response to the GMB Deputation to Full Council on 2 July 2008 be noted.
- (b) That the progress regarding implementation of the new Pay and Grading arrangements be noted.

96 Leeds Benefits Service Annual Report 2007/08

The Director of Resources submitted a report providing information on the performance of Leeds Benefits Service during 2007/08 and on the main issues facing the service over the forthcoming year.

RESOLVED – That the report be noted.

97 Capital Programme Update 2008 - 2012

The Director of Resources submitted a report providing an updated position on the 2008-2012 Capital Programme.

RESOLVED –

- (a) That the adjustments to capital programme expenditure and resources as detailed in Appendix A to the report be approved.
- (b) That the Strategic Development Fund be sub-divided into 3 investment areas as set out in section 4 of the report.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter only in relation to those matters relating to the ALMOs programme).

98 Leeds, by Example: Developing a Corporate Social Responsibility Policy

The Deputy Chief Executive submitted a report highlighting the progress made in developing a Corporate Social Responsibility Policy for Leeds, outlining current developments and seeking agreement of a programme of work to enable the initiative to move forward.

RESOLVED – That the vision, definition and plans as set out in the report be approved and that ongoing and piloted schemes currently under development be noted.

99 Managed Print Service

The Head of ICT submitted a report on a proposed scheme to introduce a managed print service across the Council.

RESOLVED – That approval be given to an injection of £1,835,000 into the Capital Programme and that scheme expenditure in the same amount be authorised.

100 Progress Report on the PPP / PFI Programme in Leeds

The Deputy Chief Executive submitted a report providing an update on the Council's PPP/PFI projects and programmes.

RESOLVED –

- (a) That the current status of PPP/PFI projects and programmes be noted
- (b) That approval be given to the completion and entry into all necessary legal documentation in relation to the Design and Build contract for Crawshaw High School.

(Councillor J L Carter declared a personal interest in this item as a member of the West Yorkshire Police Authority).

101 Cohesion and Integration Priorities and Delivery Plan 2008-2011

The Assistant Chief Executive (Planning, Policy and Improvement) and Director of Environment and Neighbourhoods submitted a joint report on the development of the policy framework and strategic approach to cohesion in Leeds, highlighting a new definition of cohesion and integration and on the proposed cohesion and integration priorities 2008 – 2011 and delivery plan.

RESOLVED – That the report be noted and that the Cohesion and Integration Priorities 2008-2011 and the Delivery Plan attached as appendix 1 to the report be approved.

DEVELOPMENT AND REGENERATION

102 Pudsey Bus Station - Associated Highway Works

The Director of City Development submitted a report on the design and implementation of the associated highway works required to accommodate the redevelopment of Pudsey Bus Station.

- (a) That approval be given to the design and implementation of associated highways works to the redevelopment of Pudsey Bus Station as set out in the submitted report and on drawing HDC/298886/C06, at a total cost of £766,750.
- (b) That authority be given to incur expenditure of £615,000 works and £131,750 staff costs (£20,000 previously approved) which can be met from the Integrated Transport Scheme 99609 within the approved Capital Programme.
- (c) That it be noted that a separate report will be presented to the Chief Highways Officer seeking approval for the advertising and sealing of the associated Traffic Regulation Orders.

103 Sustainable Education Travel Strategy and the Development of an Integrated School Transport Policy for Children's Services

The Director of City Development submitted a report on a proposed Sustainable Education Travel Strategy for Leeds and on the ongoing collaborative work between Education Leeds and Children and Young People's Social Care to develop and introduce a Children's Services School Transport Policy which encompasses all statutory demands.

RESOLVED –

- (a) That the adoption and publication of the Leeds Sustainable Education Travel Strategy be approved.
- (b) That approval be given for the development of a Children's Services School Transport Policy and to the intention to integrate this with the Leeds Sustainable Education Travel Strategy by September 2010.

104 Lands Lane and Central Square Refurbishment

The Director of City Development submitted a report on a proposal to spend a designated sum from the Council's Capital Programme in order to fund the refurbishment of Lands Lane and Central Square.

Following consideration of Appendix 1 to the report, designated as exempt under Access to Information Procedure Rule 10.4 (3), which was considered in private at the conclusion of the meeting it was

RESOLVED –

- (a) That the scheme design as outlined in the report be approved.
- (b) That release of expenditure and authority to spend in respect of this scheme be given in the terms detailed in the exempt appendix to the report.

105 Town and District Centre Regeneration Scheme - Armley Town Street

The Director of Environment and Neighbourhoods submitted a report on a proposal to spend £794,274 of Town and District Centre Regeneration Fund monies to aid the regeneration of Armley's Town Street.

RESOLVED –

- (a) That the project brief and scheme design as presented be approved.
- (b) That authority be given to spend £794,274 of capital expenditure from the Town and District Regeneration scheme.

106 Proposed Lloyds TSB Takeover of Halifax Bank of Scotland

The Director of City Development submitted a report on potential implications of the proposed takeover of Halifax Bank of Scotland by Lloyds TSB, and of action proposed by the City Council and its partners.

RESOLVED –

- (a) That the proposed actions detailed in section 1 of the report be endorsed and that a meeting with representation from all political groups be convened in the near future to consider the ongoing situation in this respect.

- (b) That a further report be brought to the next meeting of this Board.

NEIGHBOURHOODS AND HOUSING

107 Deputation to Council - Designated Public Places Order Consultative Committee Regarding the Designated Public Places Order Proposed for Hyde Park and Woodhouse

The Director of Environment and Neighbourhoods submitted a report responding to the deputation from the Designated public Places Order Consultative Committee to Full Council on the Designated Public Places Order Proposed for Hyde Park and Woodhouse.

RESOLVED – That approval be given to the approach of creating two DPPO's covering Little London and Little Woodhouse immediately with consultation for a further DPPO to cover Woodhouse Moor and nearby residential areas and greenspaces to be started in October.

108 Environment and Neighbourhoods Lettings Policy Revision

The Director of Environment and Neighbourhoods submitted a report on a proposal to implement a revised version of the Council's lettings policy from Wednesday 22nd October 2008.

RESOLVED –

- (a) That the implementation of the revised lettings policy with effect from 22nd October 2008 be approved.
- (b) That the submitted report be used as the basis for a briefing document for all Members of Council.

109 Update report on the Regeneration of 'The Beverleys' Area of Beeston

The Director of Environment and Neighbourhoods submitted a report providing an update on the progress of the Beverleys acquisition and demolition scheme and on the proposed expenditure to undertake the scheme.

RESOLVED –

- (a) That approval be given to the injection of additional private sector resources of £156,000 received from Beeston Group Repair Phase 2 additional to those previously accounted for within this group repair scheme.
- (b) That Scheme Expenditure to the amount of £2,952,700 be authorised .
- (c) That officers report back in future on the progress of the scheme.

110 Assistance to Vulnerable Households

The Director of Environment and Neighbourhoods submitted a report providing an update on the progress made in relation to the Assistance to Vulnerable Households scheme and of Regional Housing Board funding for the 2008-2011 programme.

RESOLVED –

- (a) That scheme expenditure of £1,800,000 fully funded through Regional Housing Board grant for the three year 2008-2011 programme be authorised and that a report on progress of the Scheme be brought back to this Board.

111 Policing Green Paper - From the Neighbourhood to the National: Policing Our Communities Together

The Director of Environment and Neighbourhoods submitted a report commenting on the government green paper and outlining concerns with some of the key proposals.

RESOLVED – That the submitted report together with the resolution of the Local Government Association and Association of Police Authorities on the same subject be approved as the formal response of this Council to the Government’s Policing Green Paper: From the Neighbourhood to the National: Policing our Communities Together and that the submission be made under cover of a letter from the Safer Leeds Partnership.

DATE OF PUBLICATION	10 th October 2008
LAST DATE FOR CALL IN	17 th October 2008 (5.00 pm)

(Scrutiny Support will notify Directors of any items Called In by 12.00 noon on Monday 20th October 2008).

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Report of the Head of Scrutiny and Member Development

Scrutiny Board (Environment and Neighbourhoods)

Date: 10th November 2008

Subject: Inquiry into Private Rented Sector Housing

Electoral Wards Affected: All

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

1.1 At the beginning of the year the Board agreed to carry out an Inquiry into Private Rented Sector Housing. Terms of reference for this Inquiry were agreed by the Board in September and these are attached as appendix 1.

1.2 The purpose of today's meeting is to consider evidence in line with session one of the Board's Inquiry. This session focuses on the following areas:

- the levels of owner occupied and private rented accommodation in Leeds;
- an analysis of trends in demand and supply for private rented accommodation in Leeds;
- legislation governing the private rented sector in the current Housing Act, with particular focus on Selective Licensing, Housing in Multiple Occupation (HMO) Licensing, Empty Dwelling Management Orders and Housing Health and Safety Rating System;
- issues surrounding energy efficiency and the Decent Homes requirements and how these can be promoted and sustained within the private rented sector;
- empty private rented sector properties and the negative impact they can have on neighbourhoods.

1.3 A working group of the Board met on 16th October 2008 to consider most of the evidence in line with the above. A summary report of the working group's discussions and a copy of the background papers submitted to the working group are attached as Appendix 2 for the Board's consideration.

1.4 Senior officers from Environment and Neighbourhoods will be attending today's meeting to contribute to the Board's discussion on the evidence in line with session one of this Inquiry.

2.0 Recommendations

2.1 The Board is asked to note the summary report of the working group and consider the evidence provided in line with session one of its inquiry into Private Rented Sector Housing.

Background Papers

None

SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS)

INQUIRY INTO PRIVATE RENTED SECTOR HOUSING

TERMS OF REFERENCE

1.0 Introduction

- 1.1 As part of its inquiry last year into Housing Lettings Pressures, the Scrutiny Board (Environment and Neighbourhoods) received information regarding the Council's approach to making best use of housing stock in the private sector, with particular reference to empty dwellings. As a result, the Board recognised the need to consider private rented sector housing in more detail and resolved to undertake a separate inquiry during 2008/09.
- 1.2 The Leeds Housing Strategy acknowledges substantial changes in housing market conditions in Leeds and in the patterns of housing choice and use made by households and individuals. With Leeds growing economically and becoming a thriving regional centre, a 'two-speed' housing market has emerged, showing a clear gap between parts of the city where there is considerable affluence and buoyant housing markets, and parts where housing is in poor condition, housing markets are frail, and where there exists significant social and economic deprivation. At the same time, throughout the city and within neighbourhoods, there have been changes in housing tenure patterns with a continuing home ownership and a substantial increase in the number of households renting privately.
- 1.3 The private rented sector in particular is now considered the fastest growing tenure in Leeds fuelled by increased demand from students and young professionals, the buy-to-let market and some speculative investment. The Board's inquiry will therefore be focusing on trends in demand and supply for private rented accommodation in Leeds and the Council's role in regulating private sector rented accommodation and providing advice to private landlords and tenants.

2.0 Scope of the inquiry

- 2.1 The purpose of the Inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:
 - the levels of owner occupied and private rented accommodation in Leeds;
 - an analysis of trends in demand and supply for private rented accommodation in Leeds;

- the effectiveness of initiatives established by the Council and its partners to improve the condition of private rented sector housing, such as the equity loan scheme;
- issues surrounding energy efficiency and the Decent Homes requirements and how these can be promoted and sustained within the private rented sector;
- empty private rented sector properties and the negative impact they can have on neighbourhoods;
- the role of the Council in offering advice and support to private landlords about the various options available to them to enable their properties to be re-occupied;
- legislation governing the private rented sector in the current Housing Act, with particular focus on Selective Licensing, Housing in Multiple Occupation (HMO) Licensing, Empty Dwelling Management Orders and Housing Health and Safety Rating System;
- the Leeds Landlord Accreditation Scheme and the incentives to accreditation;
- the views and experiences of private landlords and tenants;
- common perceptions of the different housing tenures and the impact this has on private rented sector housing;
- the Council's role in promoting private rented sector property and offering advice to prospective tenants;
- the impact of Local Housing Allowance (housing benefit) on private rented sector housing.

3.0 Comments of the relevant Director and Executive Member

- 3.1 In line with Scrutiny Board Procedure Rule 12.4 the views of the relevant Director and Executive Member have been sought and have been incorporated where appropriate into these Terms of Reference. Full details are available on request to the Scrutiny Support Unit.

4.0 Timetable for the inquiry

- 4.1 The Inquiry will take place over a number of sessions. These sessions will involve working group meetings which will provide flexibility for the Board to gather and consider evidence that will aid the discussions during the public Board meetings.
- 4.2 The length of the Inquiry is subject to change.

5.0 Submission of evidence

- 5.1 Working group meetings will be held prior to session one and during the interim period between session one and two. Dates for the working group meetings are to be arranged.

5.2 **Session one – Scrutiny Board Meeting (10th November 2008)**

To consider evidence in relation to the following areas:

- the levels of owner occupied and private rented accommodation in Leeds;
- an analysis of trends in demand and supply for private rented accommodation in Leeds;
- legislation governing the private rented sector in the current Housing Act, with particular focus on Selective Licensing, Housing in Multiple Occupation (HMO) Licensing, Empty Dwelling Management Orders and Housing Health and Safety Rating System;
- the effectiveness of initiatives established by the Council and its partners to improve the condition of private rented sector housing, such as the equity loan scheme;
- issues surrounding energy efficiency and the Decent Homes requirements and how these can be promoted and sustained within the private rented sector;
- empty private rented sector properties and the negative impact they can have on neighbourhoods.

5.3 **Session two - Scrutiny Board Meeting (9th February 2009)**

To consider evidence in relation to the following areas:

- the Leeds Landlord Accreditation Scheme and the incentives to accreditation;
- the views and experiences of private landlords and tenants;
- common perceptions of the different housing tenures and the impact this has on private rented sector housing;
- the Council's role in promoting private rented sector property and offering advice to prospective tenants;
- the impact of Local Housing Allowance (housing benefit) on private rented sector housing;
- the role of the Council in offering advice and support to private landlords about the various options available to them to enable their properties to be re-occupied.

5.4 **Session three – Scrutiny Board Meeting (20th April 2009)**

- To agree final report

6.0 **Witnesses**

6.1 The following witnesses have been identified as possible contributors to the Inquiry:

- Assistant Chief Executive (Corporate Governance)
- Executive Member for Neighbourhoods and Housing
- Deputy Chief Environmental Health Officer, Leeds City Council

- Housing Needs Manager, Leeds City Council
- Chief Revenues and Benefits Officer, Leeds City Council
- National Landlords Association
- Leeds Landlords Forum
- Leeds Citizens Advice Bureau
- Unipol Student Homes
- Student Union
- Empty Homes Agency
- Tenants Federation

7.0 Post inquiry report monitoring arrangements

- 7.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored.
- 7.2 The final inquiry report will include information on the detailed arrangements for how the implementation of recommendations will be monitored.

8.0 Measures of success

- 8.1 It is important to consider how the Scrutiny Board will deem if their inquiry has been successful in making a difference to local people. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other measures of success may become apparent as the inquiry progresses and discussions take place.

Scrutiny Board (Environment and Neighbourhoods) Inquiry into Private Rented Sector Housing

Summary report of the working group meeting held on 16th October 2008.

1.0 Introduction

- 1.1 A working group of the Board met on 16th October 2008 to consider evidence in line with session one of the Board's Inquiry into Private Rented Sector Housing.
- 1.2 Session one of the Board's Inquiry focused on the following areas:
- the levels of owner occupied and private rented accommodation in Leeds;
 - an analysis of trends in demand and supply for private rented accommodation in Leeds;
 - legislation governing the private rented sector in the current Housing Act, with particular focus on Selective Licensing, Housing in Multiple Occupation (HMO) Licensing, Empty Dwelling Management Orders and Housing Health and Safety Rating System;
 - issues surrounding energy efficiency and the Decent Homes requirements and how these can be promoted and sustained within the private rented sector;
 - empty private rented sector properties and the negative impact they can have on neighbourhoods.
- 1.3 A number of briefing papers were submitted to the working group addressing the above issues. These are attached to this report as follows:
- Appendix 2a – Briefing paper on housing legislation;
- Appendix 2b – Briefing paper on maximising the utilisation of the existing housing stock - recycling the empties;
- Appendix 2c – Briefing paper on energy efficiency in the private rented sector;
- Appendix 2d – Copy of report to the Executive Board on 11th June 2008 on activity in the private rented sector;
- Appendix 2e – List of reference documents as suggested further reading material.
- 1.4 The following Members and officers attended the working group meeting to discuss the evidence submitted:
- Councillor B Anderson (Chair of the Scrutiny Board)
Councillor A Blackburn
Councillor D Coupar
Councillor D Hollingsworth
Councillor G Hyde
Angela Brogden (Principal Scrutiny Adviser)
Andy Beattie (Head of Service-Housing and Pollution Control)

Jon Hough (Principal Housing Strategy Officer)
Mike Brook (Acting Housing Regulation Service Manager)

2.0 Main issues raised

Levels of owner occupied and private rented accommodation in Leeds

- 2.1 The working group was informed that back in January 2005, it was reported to the former Neighbourhoods and Housing Scrutiny Board that the private rented sector in Leeds had increased over the past ten years from an estimated 7% of the total housing stock to 9.4%. At this time, the indications were that the private rented sector in Leeds would continue to grow in future, reflecting national trends.
- 2.2 It was noted that the private rented sector in Leeds now represents approximately 13% of the total housing stock and as such provides accommodation for a significant number of Leeds households, some of whom are amongst the most vulnerable members of society.
- 2.3 The working group questioned what proportion of the private rented sector stock was located within the city centre and how many of these properties were empty? In response, it was explained that the Council took the initiative to start monitoring the numbers of city centre units (all tenure) as from July 2007 and that at the time there were 5653 units completed . The last reported figures in relation to these specific units showed 1185 (20.96%) to be empty in September 2008. Of these properties 145 (2.57%) were void for more than six months but less than twelve, with 421 (7.45%) properties being void for longer than 12 months. However, it was reported that 232 (4.10%) of these empty properties within the city centre were known to be vested within trust funds, company portfolios or investors with more than one property.
- 2.4 The working group noted that the lack of affordable housing to buy has contributed to increased demand on the private rented sector which has responded accordingly over the last few years and flourished as a result of the various 'buy to let' financial packages available. The private rented sector is becoming a lifestyle choice and one of the growing markets is young professionals who want the freedom to come and go within the job market. Also, it was acknowledged that such young professionals are struggling to get onto the property ladder as owner occupiers because of the general increase in house prices in recent years.
- 2.5 However, the working group learned that even this previously thriving market is now seeing an increase in defaulting mortgagees and repossessions, especially amongst the 'small portfolio' landlords. As new property developments struggle to sell, this has led to a fall in property prices for new builds. As a result, the working group noted that the private sector tenure now appears to be shifting more towards owner occupancy again.

Trends in demand and supply for private rented accommodation in Leeds

- 2.6 When discussing trends, it was noted that there is a danger of describing the private rented sector as one homogenous tenure given the different variations available.
- 2.7 With regard to city centre trends, the working group learned that there have been indications of increasing numbers of new build empty flats (typical of many city centres) both for sale for owner occupation and as properties to rent. However, recent historical trends suggested that the rate of these new builds was so fast that it was taking time for the demand to catch up with the supply of new flats coming onto the market.
- 2.8 It was also highlighted that there are a growing number of under-used 'traditional' student let properties in the North West Leeds district which are currently suffering a downturn in demand because of the availability of alternative purpose-built student accommodation within the city centre and close to the universities. Whilst such new builds are particularly popular with new first year students, it was noted that there is still some demand for traditional properties by second and third year undergraduates who prefer to share a house. However, it was noted that where supply has been greater than demand, this has prompted a healthy competition between landlords which in turn has led to improvements being made to properties. The working group learned that Unipol had reported that, in the main, standards are better now than 10 years ago.
- 2.9 However, with the current economic climate, concerns were raised about the possibility of landlords committing lower levels of investments to their properties than the Council would wish to see. Particular concerns were also raised about landlords maximising the use of their properties by converting cellar spaces to accommodate more tenants, which could contravene fire safety regulations. It was noted that this was being investigated further by the Council alongside other partners.
- 2.10 The working group learned that Unipol carry out annual research into the student market to evaluate the intake and choices available. The Scrutiny Board will be exploring this issue further in session two of the inquiry when Unipol will be invited to contribute.
- 2.11 It was acknowledged that the current downturn in the traditional student rental market around the Headingley area could provide an opportunity to restructure the predominance of 'shared housing' units back into family housing or larger better quality products for the elderly, special needs groups or the growing demand for accommodation to house the newly qualified 'young professionals' who wish to set up their first home subsequent to leaving university.
- 2.12 The working group also noted that the recent phenomenon of 'buy to leave' (properties that have been purchased by investors purely for capital growth) could be turned around if the investors see a substantial decline in the

equitable growth of their investment properties. Furthermore, this factor could encourage these 'investors' to consider letting/selling their investments thereby bringing these properties back into the equation of being available as 'homes for people'.

- 2.13 There could also be an opportunity to broker deals with these property owners in order for them to consider letting out this previously wasted resource to people on the housing register, or perhaps consider targeting their product to niche and specialist markets such as providing accommodation for the elderly - thereby freeing up their often under used resource of family housing which would help to alleviate the current shortage of this type of housing throughout the city. However, it was noted that for social housing, the city centre was unlikely to present opportunities because of the high rent levels currently expected, unless the market becomes so bad that properties are struggling to sell or rent in the private sector.
- 2.14 It was highlighted that the current credit crunch and downward trend in house prices could, in time, bring about a more affordable private housing market which is less out of kilter with average earnings than has been the case over recent years.
- 2.15 The working group acknowledged that there is still a substantial amount of under-used housing accommodation throughout the city but, if the council can successfully bring these properties back into occupation, this could go some considerable way to providing the much needed housing that Leeds will require in the future.

Legislation governing the private rented sector in the current Housing Act

- 2.16 It was acknowledged that the Council now has a lot of powers under the Housing Act 2004. The working group learned that the local authority is the primary enforcement agency for conditions of health and safety in the private sector, including the private rented sector. It was reported that the Housing Act 2004 had introduced the Housing Health and Safety Rating System (HHSRS) and that the introduction of the HHSRS directs councils to consider a range of 29 identifiable hazards within dwellings and assess the risk posed by those hazards. The working group noted that the most serious hazards are classed 'Category 1' where the Council then has a duty to take action to eliminate or significantly reduce the hazard. The presence of a category 1 hazard would result in the dwelling failing the decent homes standard.
- 2.17 It was highlighted that the HHSRS applies to all houses in multiple occupation and singly occupied properties. In undertaking the assessment the practitioner is required to consider the likelihood of harm from a hazard i.e. the probability of an occurrence during the next 12 months following the assessment of the dwelling and the spread of harms from that hazard.
- 2.18 The working group noted that the assessment is made of the dwelling, disregarding the current occupiers, and therefore will not be affected by a change of occupier and a vacant property can also be assessed.

- 2.19 The working group learned that the service is primarily demand led. Since the service re-structured in May 2008, it has received around 250 service requests a month(approx 3000 per annum) covering a whole range of issues. When dealing with requests for assistance, it was highlighted that officers follow guidance set out in a number of quality manual procedures and that all staff are accredited through Warwick University to carry out Hazard Assessments.
- 2.20 It was noted that many of the requests are coming from the North West of the city, where students are predominately based as they are very well aware of their rights as tenants. The working group questioned how the Council is promoting its services within the inner city areas and particularly to vulnerable groups such as migrants. It was noted that migrants would often refuse to approach the council for help regarding poor private rented accommodation. As some migrants regard their stay as short term, and in some cases have accommodation provided as part of their employment arrangements, they would tend to put up with such living conditions knowing it was a temporary measure.
- 2.21 It was explained to the working group that the service is in the process of producing advisory leaflets for one stop centres and GP surgeries etc, where they can target vulnerable tenants and make them aware of their rights. It was highlighted that by having this knowledge to use against a landlord, this can sometimes be enough to create a positive reaction.
- 2.22 In promoting this service, the working group questioned whether there was enough service capacity to deal with any additional requests. In response, it was hoped that such a proactive approach would help to lessen the reactive work of the service in the longer term. It was also reported , by way of example, that Liverpool Council had negotiated with their local Primary Care Trust to secure £10 million for 25 staff to address hazards within properties. It was therefore acknowledged that Leeds could also benefit from exploring such innovative approaches and working more closely with central government and other partners.
- 2.23 The working group also asked about the use of Empty Dwelling Management Orders. Empty Dwelling Management Orders (EDMOs) give the Council discretionary powers to bring empty private sector dwellings back into use where the owners are unable or unwilling to do so. Once an Order has been granted, the Council can manage the property on behalf of the owner but does not become the legal owner of the property and cannot sell or mortgage the property.
- 2.24 The working group was informed that Leeds, like most other local authorities, are currently experiencing difficulties in putting into place procedures for utilising EDMOs. The primary obstacle is that there has been no serious expression of interest from ALMOs, Registered Social Landlords or 'accredited' private landlords to act as managing agents upon the council initiating the process of EDMOs.

- 2.25 It was noted that Leeds has recently explored the possibility of procuring a partner/managing agent in conjunction with other West Yorkshire authorities in order to maximise the economy of scale for any interested agents. Leeds has joined with Bradford and Kirklees in seeking expressions of interest on this matter throughout the European Economic Area. So far , no expressions of interest have been forthcoming., but it is intended to readvertise for any possible interest which may be more successful in the current downturn in housing market activity.
- 2.26 The working group acknowledged that Leeds has devoted significant resources to returning long-term empty properties into use. One of the reasons for this success is the systematic monitoring of empty properties on a ward area basis and within targeted areas which have previously suffered high levels of empty properties and fragile demand such as East End Park, Cross Green, Harehills, Beeston and Holbeck, and to a lesser extent, Chapeltown. The working group received examples of such area profile reports and learned that such reports are available for each ward and can be accessed by Members to indicate trends within their areas. However, it was acknowledged that the data within these reports can change rapidly.
- 2.27 It was noted that an agreed action plan relating to the targeted areas has been established to encourage/facilitate the return back into economic use property which is not being utilised.
- 2.28 It was also explained to the working group that these areas all have high concentrations of rented accommodation, much of which has been provided by the buy-to-let boom of recent years. However, it was noted that unfortunately, the owners of the vast majority of these properties are ‘small portfolio’ landlords with only one or two properties within their portfolio and that these are probably the most vulnerable of property investors in terms of the cost of meeting their obligations.
- 2.29 The working group raised the issue of incentives for landlords and noted that there are limited financial incentives in the form of grants for landlords to carry out work to their properties, but only within a small number of Group repair schemes . However, there are a range of non financial incentives that the Council promotes in support of responsible landlords. The Council has one of the best landlord accreditation schemes in the country, however, this scheme focuses primarily in the North West of the city and therefore the Council is looking to promote the scheme city wide. It was noted that session two of the inquiry will be focusing on incentive schemes for landlords and will also involve discussions with landlord representative groups.
- 2.30 It was highlighted that whilst the small portfolio landlords are providing a valuable service, the difficulty for the Council is with monitoring and managing them better. The working group learned that in Europe, there are more ‘large portfolio’ landlords which therefore makes it easier to manage. In view of this, the working group agreed that the Council should also be exploring innovative ways to attract such landlords to Leeds and also suggested looking at

expressions of interest outside of the UK. The working group felt that more research was needed around what other European countries do and in particular, what their governments are doing to stimulate this market. A suggestion was also made for the Scrutiny Board to approach local MEPs for their input into this area.

Issues surrounding energy efficiency and the Decent Homes requirements.

- 2.31 The working group learned that the major hazards affecting the private rented sector in Leeds are excess cold, falls (on stairs, falls on the level and between levels) and fire safety. Excess cold hazards in this sector actually account for 61.6% of all category 1 hazards and poses the greatest challenge for the authority to resolve.
- 2.32 It was highlighted that excess cold, resulting from poor energy efficiency of houses and inefficient heating systems, is the primary reason why properties fail under the Housing Health and Safety Rating System. As a consequence of the significant proportion of older properties in the private rented sector (56% of rented properties constructed before 1919) and the technical difficulties and higher costs associated with improvements in such houses, the private rented sector presents a significant challenge in terms of scale and cost of improving energy efficiency. Furthermore, privately rented dwellings have far more Fuel Poverty - currently 33% compared with 16% in owner occupied dwellings.
- 2.33 It was reported that there is significant financial investment in the private sector facilitated principally through the Council's Fuel Savers Team.
- 2.34 It was also noted that an overall approach for enhanced action is intended through a refresh of the actions to deliver the Private Rented Sector Strategy. This will include the development of the Strategy to reflect new themes such as the Leeds Affordable Warmth Strategy; the Regional Fuel Poverty Strategy and Home Energy Conservation Act Recommendations.
- 2.35 The health impact of group repair schemes is also now being assessed with a view to extending such schemes to include innovative energy efficiency improvement work., Group repair funding, along with Health Through Warmth and Community Warmth funding currently represent the only public funded grant aid available to the private rented sector.
- 2.36 The working group acknowledged the Council's current target to bring 600 properties up to the Decent Homes standard and agreed that addressing excess cold and fuel poverty across all tenures must remain a key future priority, with a particular focus on the older housing stock, where many private sector tenants, including some of the most vulnerable members of society, reside.

Scrutiny Inquiry into Private Rented Sector Housing.

Briefing Paper: Housing Legislation

This paper will summarise the legislation under the Housing Act 2004 governing the private rented sector (PRS). It will have particular focus on the Housing Health and Safety Rating System (HHSRS), Mandatory HMO Licensing, as well as the option of discretionary Additional and Selective licensing schemes. A summary of the key aspects of the legislation are set out in an appendix to this paper.

It should be noted that the Housing Act 2004 also introduced Tenancy Deposit Schemes and more recent legislation has also introduced Energy Performance Certificates (EPC's) that are enforced by colleagues in Trading Standards.

The PRS in Leeds now represents 13% of the total housing stock and as such provides accommodation for a significant number of Leeds households, some of whom are amongst the most vulnerable members of society. The size and complexity of the sector has led the Council to utilise and consider all aspects of the above legislation and also to develop significant and appropriate working relationships with partners in the PRS. Significant work and progress has been achieved in the PRS due to the work of a landlord consultative group in agreeing and delivering attainable standards in the sector.

1) HOUSING HEALTH AND SAFETY RATING SYSTEM

- 1.1 The Housing Act 2004 introduced the Housing Health and Safety Rating system (HHSRS) replacing the fitness standard detailed in Section 604(1) of the Housing Act 1985. The HHSRS applies to all dwellings of all tenures.
- 1.2 HHSRS identifies 29 different hazards that may be encountered and requires a "risk assessment" to be carried out to determine the "hazardness" of the dwelling. The HHSRS applies to HMO's and singly occupied properties.
- 1.3 Each hazard is assessed separately to determine a score for that hazard for the dwelling if applicable. A single overall hazard score is **not** produced for the dwelling.
- 1.4 In undertaking the assessment the practitioner is required to consider the likelihood of harm from a hazard i.e. the probability of an occurrence during the next 12 months following the assessment of the dwelling and the spread of harms from that hazard. Harm is the adverse physical or mental effort on the health of a person. The spread of harms is the range of possible harm outcomes which could result from a hazard.
- 1.5 In undertaking the assessment the effect of the hazard is considered against the most vulnerable age group i.e. an age range of people for whom the risk arising from the hazard is greater than for any other age group.
- 1.6 The assessment determines a hazard score which is a numerical representation of the overall risk from a hazard and is based on the evaluation

of the likelihood of an occurrence and the probable spread of harms that could result. The hazard score is put into a range of bands to categorise the seriousness, the bands going from J – the least serious up to A the most serious. If the hazard score is more than 1000, band C and above, the authority has a Statutory duty to take action to reduce the hazard. Where a score of less than 1000 is determined the authority has a power to take action.

- 1.7 The assessment is made of the dwelling disregarding the current occupiers if any but is based on the potential effect of any hazards on a member of the relevant vulnerable age group. The assessment therefore will not be affected by a change of occupier and a vacant property can also be assessed.
- 1.8 The 29 hazards are arranged in four main groups reflecting the basic health requirements; physiological; psychological; protection against infection and protection against accidents including falls. The Leeds Private Sector House Condition Survey (2007) identified that the major hazards affecting the PRS in Leeds were Excess Cold, Falls (on stairs, falls on the level and between levels) and fire safety. Excess cold hazards in this sector actually accounts for 61.6% of all category 1 hazards and poses the greatest challenge for the authority to resolve.
- 1.9 The local authority may, and in certain instances has a duty to, take action to either eliminate or reduce a hazard. In the case of rented accommodation this may mean enforcement action is deemed appropriate. The underlying principle of the HHSRS is that any residential premises should be a safe and healthy environment for any potential occupier or visitor. The dwelling should be designed and maintained with non-hazardous materials and should be free from both unnecessary and avoidable hazards. The effect of HHSRS has been a move away from prescriptive standards to a risk based assessment although the Council does still provide advisory standards where appropriate.
- 1.10 The authority is the primary enforcement agency for conditions of health and safety in the private rented sector and has produced an enforcement methodology to maintain standards in the sector. The level of enforcement will be in line with the Council's enforcement policy and will be determined by the overall condition of the property concerned. Such action may involve one or more of; informal advice, service of Improvement Notices, prosecution, formal caution or works in default. Enforcement action via formal substantive notices includes Improvement Notices, Suspended Improvement Notices, Prohibition Orders or Demolition / Clearance areas. Penalties or actions following non-compliance with Substantive Notices for all landlords is determined in accordance with the Departments Enforcement Policy and complies with the principles of the Government's Enforcement Concordat.

2) MANDATORY HMO LICENSING

- 2.1 The Housing Act 2004 introduced the mandatory licensing of certain high risk houses in multiple occupation (HMOs). The Act was implemented on 6 April

2006 and gave a period of 3 months from the implementation date for applications to be made for a licence after which time it became an offence to operate a licensable HMO without having made an application.

- 2.2 The Act redefined the term HMO in so far as housing legislation applies. The actual definition of an HMO is complex as is that of a licensable HMO but in simplistic terms a licensable HMO is a house where there are 5 or more persons, comprising of at least 2 households and the accommodation is on 3 or more storeys.
- 2.3 This definition meant that student shared houses meeting the requirements detailed above become licensable HMOs. Again in simplistic terms most 5 + 6 person student shared houses had not previously been considered to be in multiple occupation based on established case law which described such accommodation as single household shared houses . Most student shared houses of 3 or 4 persons whether living in two or 3 storey houses also became HMOs under this new Housing legislation but are not subject to mandatory licensing.
- 2.4 Because of the nature of properties in Leeds (namely a significant number of 3 storey properties) and that there were two major Universities in Leeds it was clear that the impact of the Act would have a significant effect in Leeds as there were potentially thousands of licensable properties particularly in NW Leeds.
- 2.5 Mandatory licensing is designed to enable the Council to achieve the following:
 1. Identify where the higher risk HMOs are situated
 2. Ensure that HMO landlords are fit and proper persons
 3. Ensure that HMO landlords are competent and have the resources and systems in place to properly manage HMOs
 4. Place conditions on the licence to ensure that HMOs are suitable for the number of persons occupying them and that the HMOs are properly managed
 5. The inspection of licensed HMOs to ensure that they are safe and healthy and if not to take enforcement action to achieve this
 6. To require landlords to receive training to ensure that they understand their management duties
 7. The option for the Council to take over the management of an HMO in default of the landlord where the landlord is not competent and the health and safety of the tenants is at serious risk
- 2.6 The primary purpose of HMO licensing is to protect the health and safety of tenants living in them. A secondary purpose of licensing is to ensure that HMOs are managed in a way that avoids them having an adverse effect on the immediate neighbourhood.
- 2.7 It was very difficult to accurately predict the exact number of licensable properties in Leeds as the Act redefined a House in Multiple Occupation. An

estimate was made based on information from the then current Leeds House Condition Survey and in consultation with Unipol Student Homes, Council Tax, Development Department and West Yorkshire Fire and Rescue Service. The definition of a HMO under planning legislation and for Council Tax purposes was unaltered by the Housing Act and there are significant differences under the different pieces of legislation. This causes some confusion about what constitutes an HMO.

- 2.8 The results of the Leeds House Condition Survey in 2007 undertaken by Consultants commissioned by the Council have recently become available. Having regard to the definition of a licensable HMO in the Housing Act 2004 the consultants advise that there are an estimated 3000 licensable HMOs within the City and this figure is predicted within a 10% accuracy and therefore the medium range is between 2700 and 3300 licensable properties.
- 2.9 There are a number of reasons why the Council now consider the revised number of 3000 properties is the target level for licensable HMOs namely:
1. there had been no previously known accurate figure of potentially licensable properties.
 2. a significant number of larger shared houses have been converted over the last few years to self contained flats thereby taking them out of licensing.
 3. there has been a significant number of purpose built large developments aimed at the student markets which has affected the letting market in the traditional housing sector meaning that a substantial number of shared houses are being under occupied.
 4. a number of landlords have purposely downsized their properties to avoid licensing.
 5. many of the traditional bedsit properties have been converted to studio flats again taking such properties outside licensing.
 6. the survey was commissioned following the introduction of the Act and therefore the new definition of HMO was taken into account.
- 2.10 By the end of September 2008 Leeds had received a total of 2922 applications for licensing. Of these applications only 121 (4.1%) are in respect of bedsit properties with the remaining relating to communal shared housing (typical of student lets) which are predominantly located in NW Leeds. This is the greatest number of licenses issued by any local authority in the country.
- 2.11 The HMO Licensing team established to administer the mandatory scheme has initially been focused on the promotion of the scheme , finalising documentation and licence conditions and issuing licences to applicants who have submitted an application. In future resources will focus more on identifying unlicensed HMO's by detailed campaigns in targeted areas of the city along with the inspection and monitoring of properties subject to licensing to ensure compliance with conditions during the 5 year term of the licence. It should be noted that the national amenity standards and national fire safety guidance have both been revised since the introduction of Mandatory Licensing and this will have a significant resource implication for the HMO

team as all licenses already issued may now need to be varied.

- 2.12 Under the Housing Act 2004 the Council has legal powers of enforcement which include summary proceedings which can be instigated for operating a relevant HMO without a license or failing to comply with license conditions. There are also powers to take over the management of property in certain circumstances, known as Management Orders.

3) ADDITIONAL HMO LICENSING

- 3.1 Section 56 gives power to designate either all or part of an area to be subject to additional licensing in relation to a description of specified HMO's.
- 3.2 The authority must be satisfied that a significant number of the designated HMO's are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems for those occupying the HMO's or for members of the public.
- 3.3 Additional licensing must be consistent with the authority's overall housing strategy and the authority must adopt a co-ordinated approach in dealing with homelessness, empty properties and ASB in the PRS. The authority must also consider if any other courses of actions available to them that might provide an effective method of dealing with the problem or problems and consider that the designation will significantly assist them to deal with the problem(s).
- 3.4 Examples of properties being managed sufficiently ineffectively and having a detrimental affect on the local area are:
- 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 are not addressing these issues.
 - Those where there is a significant and persistent problem of ASB affecting other residents and/or the local community and the landlords are not taking reasonable and lawful steps to deal with the problems.
 - Those where the lack of management or poor management skills or practices are adversely impacting on the welfare, health or safety of residents and/or impacting upon the wider community.
- 3.5 Additional licensing should not be made if the problems are associated with a small number of properties.
- 3.6 In relation to conditions of HMO's (internal or external) the authority must first consider whether problems can be addressed by actions under Part 1 of the Act or Part IX of the 85 Act.

- 3.7 Local Housing Authority's (LHA's) must demonstrate how additional licensing will work in conjunction with existing initiatives such as accreditation and partnerships. Licensing is not a stand alone tool. Landlords will need adequate support to help deal with problem tenants.
- 3.8 Authorities should have active outreach support programmes to engage with landlords and tenants who need their assistance.
- 3.9 Consultation to be carried out with local residents, tenants and landlords plus businesses in the area. Authorities must give a detailed explanation of how the proposed designation will tackle specific problems, the potential benefits etc. and a business case submitted to the Secretary of State for their consideration and approval.

4) SELECTIVE LICENSING

- 4.1 The Housing Act 2004 introduced discretionary licensing powers that local authorities could introduce subject to certain criteria. Part 3 of the act introduced Selective Licensing. For a local authority to designate an area it must produce a business case for approval by the Secretary of State. The criteria for such a case is:
- The area is, or is likely to become, an area of low housing demand OR
 - An area experiencing significant and persistent problems of anti social behaviour attributable to the private rented sector.
- 4.2 Selective licensing can not be introduced in isolation but must be part of an overall regeneration of an area. Once approved then a landlord would need a licence to operate. Operating without a licence is an offence with a fine of up to £20,000.
- 4.3 The aim of selective licensing is:
- To complement the other regeneration initiatives within the area
 - To improve the management of the Private Rented Sector (PRS) within the area
 - Help to increase demand for the area and support both tenants and landlords and the local community
 - Contribute to a sustainable community and neighbourhood
- 4.4 Selective licensing applies to properties in the private rented sector. It does not apply to owner occupied properties. It does not apply to properties managed or controlled by Housing Associations (Registered Social Landlords) or by an ALMO. It does apply to properties that are privately rented to single persons, families or in multiple occupation.
- 4.5 In Leeds an area of PRS housing located in the Cross Green and East End

Park district of the city has been identified as a potential selective licensing area. In line with the criteria described above a full consultation period has taken place and as a consequence a detailed business case was submitted to CLG on 22nd May 2008. The CLG responded on 2nd September 2008 raising a number of points for clarification due to opposition from the Residential Landlords Association (RLA). The authority responded to these concerns on 12th September and now awaits the CLG's final decision.

APPENDIX

HOUSING ACT 2004 - A SUMMARY OF MATTERS RELATING TO THE PRIVATE RENTED SECTOR

1. HOUSING HEALTH & SAFETY RATING SYSTEM (HHSRS)

- Replacement for the Housing Fitness Standard
- Will apply to HMOs and singly occupied property
- System identifies and rates the severity of a range of hazards found in dwellings according to their risk to health & safety
- Health includes mental health
- If a hazard is above a specified rating trigger (category 1) Local Authorities will have to take enforcement action; below the trigger but within specified hazard bands (category 2), action will be discretionary
- Enforcement action can be Hazard Awareness Notice, Improvement Notice, Suspended Improvement Notice, Prohibition Order, Demolition Order/Clearance Area
- Local Authorities can declare a Clearance Area if the condition of the properties in it are hazardous
- Local Authority can charge for serving enforcement Notices
- Undertakings to do remedial works will be permissible
- Powers are available to the Local Authority to carry out work in default and/or prosecute where legal contraventions are found
- Enforcement action guidance to be issued by the Government

2. LICENSING OF HOUSES IN MULTIPLE OCCUPATION

- New definition for an HMO – 3 or more unrelated people sharing
- Houses converted to self contained flats after 1991 and in accordance with Building Regs. will not be included in the defn. of HMO
- Buildings in non self contained flats will be HMOs
- Mandatory licensing system for higher risk HMOs (5 or more people AND three or more storeys)
- Discretionary additional licensing system to be available for lower risk HMOs but for which there will need to be a suitable business case
- The business case will need to show that a significant proportion of HMOs in an area are being ineffectively managed to a point that there are problems for the occupiers or members of the public
- A discretionary additional HMO licensing scheme will operate the same as if it was mandatory

- An Exemption Order can be issued for up to six months if the landlord intends to take steps to avoid an HMO being licensable
- Regulations will prescribe standards to be attached to the licence conditions
- Licence conditions may include number, type and quality of amenities & health & safety standards
- Category 1 and 2 HHSRS hazards cannot be remedied using the licence conditions - such hazards will need to be remedied using the Notice procedure as described in the previous section
- If licence refused or revoked - Local Authority will need to make a Management Order and take responsibility for the HMO
- Govt. are to issue an Approved Code of Practice for the Management of HMOs to complement new HMO Management Regulations.
- Local Authorities may make it a licence condition that the licensees attend a training course on the HMO Management Code of Practice
- Licences will last for 5 years
- HMOs owned by Public bodies will be exempted from licensing
- Student halls of residence will be exempted if they are operated by the Educational Institutions that own them
- Licensing regime to be self funding - licence fee will be payable
- Up to one years rent will be repayable as compensation to tenants by a landlord for unlicensed HMOs that are found to be unlicensed
- Licence conditions will include matters relating to property management, tenant behaviour, improvement works, occupancy levels, prevention of occupation of parts of the HMO, provision of safety certificates for essential services, provision of a tenancy agreement, obtaining references
- Licence condition can include timescales for works to be carried out to make the HMO suitable for occupation
- 'Fit and proper person' i.e. competency requirement needs to be satisfied for licensee and anyone managing the property on their behalf
- Licensee has to be the most appropriate person to be the licensee
- Before issuing a licence Local Authority need to be satisfied that the license holder has satisfactory management arrangements in place + funding and is competent to be a manager
- Procedure for application - notice to landlord with proposed licence - period of representation - licence issued - right of formal appeal - tenant can also appeal about conditions
- Procedure same for acceptance or refusal
- Licences have to be issued within 6 weeks of application
- It will be an offence to let an HMO without a licence (max £20,000 fine) or in contravention of a licence condition (max £5,000 fine)

3. SELECTIVE LICENSING OF PRIVATE LANDLORDS

- Local Authorities will have the power to licence privately rented houses in areas of low demand and in areas with high anti social behaviour
- Power will be available from June 2005
- Characteristics of low demand include high numbers of empty properties, low property prices, high turnover, anti social behaviour

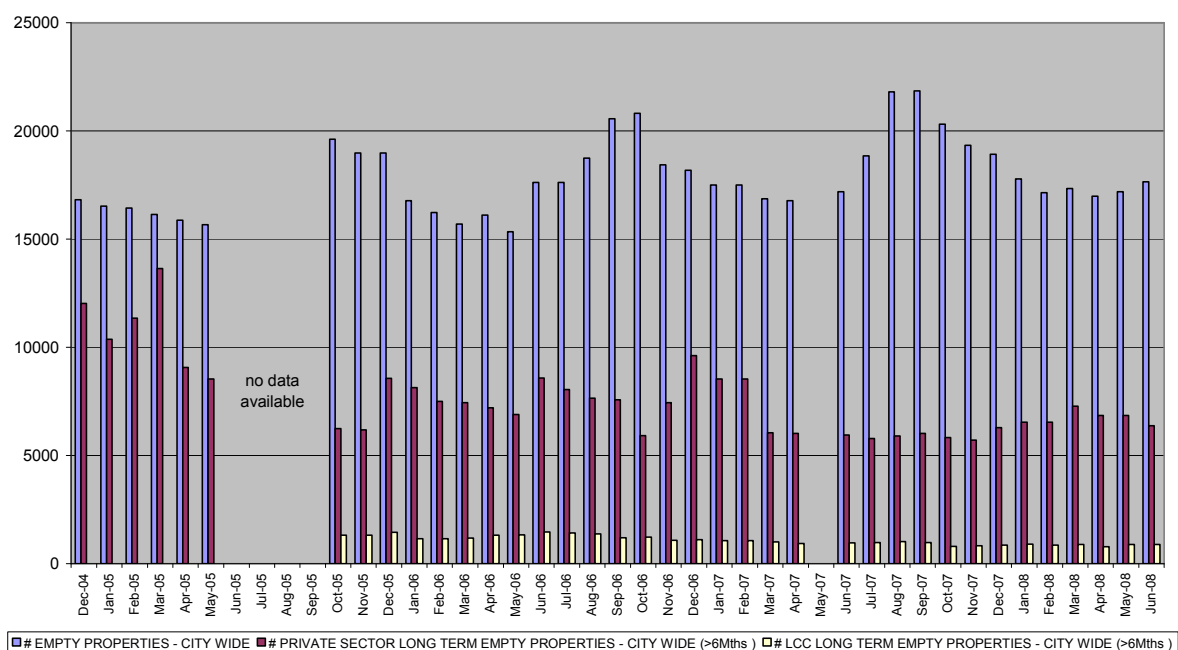
- Area will need to be one that is subject to comprehensive regeneration and/or anti social behaviour action
- Business case needs to be satisfied for an area to be designated
- Government will provide criteria for suitability of an area for selective licensing
- Licence conditions will include matters relating to management, tackling anti social behaviour, property condition, property use and occupation and contents, take up of references, safety certification and terms of occupation
- Licence will require landlord or manager to be fit and proper person
- Licences will run for 5 years
- HMO licensing regime will over ride selective licensing regime where an HMO subject to HMO licensing is within an area subject to selective licensing
- Properties refused a licence or licence revoked will be subject of a Management Order – the Council will then need to take over the management responsibility for the property
- Local Authority can issue an Exemption Order for up to 6 months if a landlord wishes to avoid a property being licensable
- It will be an offence to let a property without a licence or in contravention of a licence condition

INQUIRY BY SCRUTINY BOARD INTO THE PRIVATE RENTED SECTOR HOUSING IN LEEDS

Maximising the utilisation of the existing housing stock – recycling the empties.

- 1.1 One way of meeting at least some of the current housing supply shortage is to look at making more efficient use of existing properties, and in particular those that are unoccupied or being used less effectively than they might. These properties could make a valuable contribution towards providing the much needed accommodation that will be required throughout the country and the Government has legislated to assist this process.
- 1.2 The Empty Homes Agency estimated that in 2006 there were 663,000 properties vacant in the UK, of which approximately 288,000 were long term vacant (empty six months or more).
- 1.3 The situation in Leeds as at September 2008 was that 17,639 properties were void (this represents 5.35% of the total housing stock, however, it should be noted that this figure does include all the `transactional' voids which are part of the `churn' of a normally functioning housing market). In September 2008, of the aforementioned voids, 6,377 had been empty for more than 6 months (1.93% of the total housing stock).

CITY WIDE EMPTY PROPERTY TRENDS



- 1.4 Detailed data on a number of priority areas, plus general data on the current situation and historical trends in all wards, is available for information if required.
- 1.5 It is clear that there is a substantial 'reservoir' of potential accommodation that is currently being under-used throughout the city and, at this time of acute housing shortage, it is a wasted resource that should not be ignored.
- 1.6 Nationally the Government has been keen to promote the return to use of empty private sector housing, as a key contribution to meeting housing need and to make the most effective use of resources. Leeds has adopted a range of strategies, and committed significant resources, to meet this challenge and, in doing so, has made progress in encouraging the reoccupation of many long-term empty homes throughout the city. However, there remains much to be done and the changing economic climate suggests that the situation is unlikely to improve without significant further intervention.

The current situation regarding empty properties within Leeds.

- 1.7 Within the private sector, the predominance of long-term empty properties has historically been associated with poor quality, older housing in areas with poor environments and high levels of poverty and deprivation. These areas often have large concentrations of back-to-back and terraced housing which are often owned by private landlords or absentee owners. This is what one might describe as the traditional picture of long-term empty property in unpopular localities.
- 1.8 More recently however, there have been indications of increasing numbers of new build empty flats (typical of many city centres), both for sale for owner occupation and as properties to rent. These properties may eventually be occupied when the demand for this type of property catches up with the supply of new flats coming onto the market, but current trends suggest that this could take some time. Additionally, there are a growing number of under-used 'traditional' student let properties in the North West Leeds district which are currently suffering a downturn in demand because of the availability of alternative purpose-built student accommodation within the city centre and close to the universities.

1.9 The lack of affordable housing to buy has contributed to increased demand on the private rented sector which has responded accordingly over the last few years and flourished as a result of the various 'buy to let' financial packages available. However, even this previously thriving market is now seeing an increase in defaulting mortgagees and repossessions, especially amongst the 'small portfolio' landlords. Should this trend continue, it could lead to certain fragile housing markets returning to decline and there is recent evidence of an increase in void rates occurring within several districts of Leeds that have a high concentration of this largely 'non-professional' private rented sector accommodation.

Previous action that Leeds has taken to maximise the use of private sector empty housing.

1.10 Leeds has devoted significant resources to returning long-term empty properties into use. The following table shows the number of long term empty properties (i.e. empty for over 6 months) that were returned to occupation each year as a result of direct intervention on the part of Leeds City Council.

Year	Number of long term empty properties brought back into occupation each year
2004/05	1584
2005/06	1724
2006/07	2361
2007/08	2989

1.11 The reasons for this success in bringing empty homes back into use in Leeds are primarily due to having a robust Empty Homes Strategy that feeds into the Council's Affordable Housing agenda and which focuses upon :-

1. Intensive Neighbourhood Management
2. Information analysis and dissemination

3. Local ownership – to engage the local stakeholders and foster a sense of ownership within them to deal with the problems of empty properties and the issues that surround them.
4. Systematic monitoring of empty properties on a ward area basis and within targeted areas which have previously suffered high levels of empty properties and fragile demand such as East End Park, Cross Green, Harehills, Beeston and Holbeck, and to a lesser extent, Chapeltown. An agreed Action Plan within those areas has been established to encourage / facilitate the return back into economic use property which is not being utilised.
5. Community safety.
6. Environmental Management and Improvements.
7. The adoption by Leeds City Council of a policy of charging 100% council tax on all long term-empty properties in support of its corporate Empty Property Strategy.
8. The creation and establishment of a specialist Empty Property Enforcement Team and Empty Property Champions within Health and Environmental Action Services, funded through the Neighbourhood Renewal Fund. Building Control have also established a specialist Empty Property Team which deals with predominantly commercial properties that are either ruinous or dilapidated. This staffing resource, the funding for which is ending in 2009/10, has been engaged in the delivery of the Empty Property Strategy by :-
 - Proactive identification of empty properties and their associated problems via the utilisation of 'on the ground surveys' within the targeted areas and data obtained from council tax records.
 - Proactive use of information – databases prompt making contact with owners of long-term empty properties in order to offer advice and assistance in returning their property back into habitation.

- A proactive multi-agency approach to enforcement action – on problematical empty properties, i.e. enforced sale, compulsory purchase and Town and Country Planning Act 1990 Section 215 etc.
- Cost effective advertising of empty properties – for ‘accredited landlords’ via ‘choice based letting’.
- Promotion of the Leeds Landlords Accreditation Scheme for the private rented sector.
- Promotion of the Investors in Leeds Register – an initiative to match potential investors with owners of long-term empty properties.
- Publicity – utilising various delivery vehicles such as promotional leaflets and the media, especially with regard to successful enforcement action.

The outputs / outcomes that have been achieved by the Empty Property Team 2007/2008.

1.12 Within 2007/2008 The team has:

- Returned: 131 properties to habitation.
- 37 reoccupations that had at least one HHSRS category 1 Hazard
- 37 properties brought up to decency standard
- 10 Landlords referred to join the Leeds Landlord Accreditation Scheme
- 304 Enforcement actions taken
- 13 rapid responses for sealing up of private sector empty properties that were open to unauthorised access
- 35 long term-empty properties (over 5 years old) that received high level enforcement action

- 10 enforcement actions using Town and Country Planning Act resulting in 2 prosecutions

1.13 However, despite our past endeavours there is still a substantial amount of under-used housing accommodation throughout the city but, if we can successfully bring these properties back into occupation, this could go some considerable way to providing the much needed housing that Leeds will require in the future.

The opportunities that could exist due to the current downturn in the housing market within Leeds.

1.14 The current credit crunch and downward trend in house prices could, in time, bring about a more affordable private housing market which is less out of kilter with average earnings than has been the case over recent years.

1.15 The recent phenomenon of 'buy to leave' (properties that have been purchased by investors purely for capital growth) could be turned around if the investors see a substantial decline in the equitable growth of their investment properties. Furthermore, this factor could encourage these 'investors' to consider letting / selling their investments thereby bringing these properties back into the equation of being available as 'homes for people'.

1.16 Should the aforementioned occur, there could be an opportunity to broker deals with these property owners in order for them to consider letting out this previously wasted resource to people on the housing register, or perhaps consider targeting their product to niche and specialist markets such as providing accommodation for the elderly – thereby freeing up their often under used resource of family housing which would help to alleviate the current shortage of this type of housing throughout the city.

1.17 Furthermore, the current downturn in the traditional student rental market around the Headingley area could also provide an opportunity to restructure the predominance of 'shared housing' units back into family housing or larger better quality products for the elderly, special needs groups or the growing demand for accommodation to house the newly qualified 'young professional's' who wish to set up their first home subsequent to leaving university / college. This would also facilitate a better community mix /

cohesion within the area and could go some way to alleviating the current criticism of having areas within the city that have too high a concentration of students and the associated problems that this invariably presents.

The drawbacks that could occur due to the current downturn in the housing market within Leeds.

- 1.18 The downside of the current credit crunch and downward trend in house prices could be that it might become the catalyst for the return to decline of areas where Leeds has undertaken a concerted effort in regenerating previously low demand areas of the city i.e. East End Park, Cross Green, Beeston, Holbeck, Harehills and to some extent Chapeltown.
- 1.19 These areas all have high concentrations of rented accommodation, much of which has been provided by the 'buy-to-let' boom of recent years. Unfortunately, the owners of the vast majority of these properties are 'small time' landlords with only one or two properties within their portfolio and these are probably the most vulnerable of property investors in terms of the cost of meeting their obligations. Additionally, the fear over negative equity resulting in property being left empty with little or no interest from potential purchasers could impact on the problem of empty properties in some areas of housing.
- 1.20 Under these circumstances, the ethos of 'intensive area management', which is an integral strand of the corporate Empty Property Strategy, would invariably be required in order to manage the ensuing environment / health and safety issues that result from the abandonment of properties within declining communities / fragile housing markets.

ANALYSIS / OPTIONS APPRAISAL FOR LEEDS ADOPTING EMPTY DWELLING MANAGEMENT ORDERS

Brief synopsis of Empty Dwelling Management Orders

- 1.21 Empty Dwelling Management Orders (EDMOs) give the Council discretionary powers to bring empty private sector dwellings back into use where the owners are unable or unwilling to do so.
- 1.22 Once an Order has been granted the Council can manage the

property on behalf of the owner but does not become the legal owner of the property and cannot sell or mortgage the property.

- 1.23 There are two types of Empty Dwelling Management Orders – Interim and Final.
- 1.24 Interim Orders can only be made once the Council has applied to a Residential Property Tribunal (RPT) who must consider whether making an EDMO is the most appropriate action.
- 1.25 The Residential Property Tribunal must take into account the rights of the owner and the interests of the wider community and be satisfied that :-
- the property has been empty for at least 6 months
 - the owner has not taken immediate steps to secure occupation of the property
 - it is unlikely that the property will become occupied if the EDMO is not made
 - the council, acting as the Local Housing Authority, has complied with legislation in applying for an EDMO
- 1.26 Final Empty Dwelling Management Orders, lasting up to 7 years, can only be made to replace an Interim Order if the council considers that the property would become or remain unoccupied without an order in place.
- 1.27 The council must consider the effect of any final EDMO for the owner and the community in the same way as a Residential Property Tribunal does with an interim order.

Problems currently encountered in setting up an EDMO in Leeds

- 1.28 Leeds, like most other local authorities, are currently experiencing difficulties in putting into place procedures for utilising EDMOs.
- 1.29 The primary obstacle is that there has been no serious expression of interest from ALMOs , RSLs or 'Accredited' private landlords to act as our managing agent upon our initiating the process of EDMOs.
- 1.30 The reluctance on the part of our 'usual' partners on these types of housing matters stems from the fact that the figures do not 'stack

up' on their part and they argue this on the basis that the up-front costs of renovation, buildings and contents insurance and securing the property falls upon the Local Housing Authority or its agents. Furthermore, most are of the opinion that even with a continuation of tenants in occupation of the property and a constant stream of fair market rent, the income may not be able to reimburse the costs incurred by the Local Housing Authority within the mandatory time limit of an EDMO (maximum period of 7 years). Leeds City Council would therefore have to underwrite the aforementioned initial costs and any shortfalls that may occur in the same way as a private sector landlord client would have to meet the costs incurred by managing agents.

- 1.31 Leeds has recently explored the possibility of procuring a partner / managing agent in conjunction with other West Yorkshire authorities in order to maximise the economy of scale for any interested agents. We have joined with Bradford and Kirklees in seeking expressions of interest on this matter throughout the European Economic Area. However, no expressions of interest have been forthcoming.
- 1.32 The use of EDMOs within the Leeds Empty Homes Strategy was the subject of a recent report to the Leeds Housing Partnership Executive and consequently all the ALMOs and RSLs which are operating within the Leeds district were contacted with a view to enquiring as to whether they would be willing to act as our managing agent subsequent to our acquiring properties via EDMO action. Unfortunately, to date, no ALMO or RSL has confirmed an interest to act on our behalf regarding this matter.
- 1.33 Uncertainty over the likely scale of operations is another factor which has frustrated progress over our adoption of EDMOs. Since we can only estimate the extent to which we would be able to utilise this piece of legislation, potential future partners seem reluctant to engage with us unless we can give them clear projections on the number of cases that we would be likely to refer to them. Therefore, the inability to quantify accurately this matter deters potential partners / managing agents from being able to consider / set up an appropriate business plans on this issue.
- 1.34 Having said this, EDMOs have a somewhat limited application as not all empty properties are eligible for consideration under this legislation and, as they are subject to approval by the RPT, any

application for an order can be challenged by the owner through the RPT.

1.35 There are a range of exemptions which would preclude EDMO action being taken - as follows :-

1.36 The property has been occupied solely or principally by the relevant proprietor and is wholly unoccupied because :-

- he is temporarily resident elsewhere;
- he is absent from the dwelling for the purpose of receiving personal care by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder;
- he is absent from the dwelling for the purpose of providing, or better providing, personal care for a person who requires such care by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder;
- he is a serving member of the armed forces and he is absent from the dwelling as a result of such service;
- the property is used as a holiday home (whether or not it is let as such on a commercial basis) or is otherwise occupied by the proprietor or his guests on a temporary basis from time to time;
- the property is genuinely on the market for sale or letting;
- the property is comprised in an agricultural holding within the meaning of the Agricultural Holdings Act 1986 (a) or a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995 (b);
- the property is usually occupied by an employee of the relevant proprietor in connection with the performance of his duties under the terms of his contract of employment;
- the property is available for occupation by a minister of religion as a residence from which to perform the duties of his office;
- the property is subject to a court order freezing the property of the relevant proprietor;
- the property is prevented from being occupied as a result of criminal investigation or criminal proceedings;
- the property is mortgaged, and where the mortgagee, in right of the mortgage, has entered into and is in possession of the dwelling; or

- the person who was the relevant proprietor of it has died and six months has not elapsed since the grant of representation was obtained in respect of such person.
- The property is under repair, maintenance or improvement works or where
- The owner has applied to a local planning authority or other authority for permission to make structural alterations or additions to the dwelling and he is awaiting the decision of a relevant authority on the application.

1.37 The vast majority of empty properties within Leeds could invariably be exempt from the EDMO legislation – where the properties are either genuinely on the market for sale or letting, being renovated / developed or are classified as a ‘second home’ on the council tax records (where the owner is paying the appropriate council tax).

Best use of Empty Dwelling Management Orders within Leeds

1.38 EDMOs are not suitable for all cases of empty properties e.g. in areas suffering low demand, but they could be a useful addition to the council’s Empty Homes Strategy and should be seen as an alternative solution to enforcement action such as compulsory purchase in areas where there is high demand and insufficient housing supply.

1.39 EDMOs would probably also work when used in conjunction with other aspects of the council’s Empty Homes Strategy i.e. within areas that are already receiving regeneration funding and where the demand for the area has been re-established.

1.40 When a local authority considers utilising an EDMO it should be mindful that the cost and administration arrangements have to be taken into consideration and there must be a strong prospect of the property returning to use as a direct result of the Order. Any property that requires extensive works would have to be put under a final EDMO in order to recoup the cost of renovation and repair via the rental income.

1.41 It should also be considered that the ongoing costs for refurbishment, administration, management etc have to be borne out of the rental income and that responsibility for council tax, ground rent, utility costs, security and building / contents insurance

will also be at the council's expense once an order is in place.

Compulsory Purchase

- 1.42 The Health and Environmental Action Service's Empty Property Team have currently submitted 18 cases of Compulsory Purchase Orders which have been approved by the Director of Environment and Neighbourhoods to proceed with the CPO arrangements and these cases are actively being pursued by Legal Services at an estimated total acquisition cost of between £1,550K - £1,755k. However, this does not include the estimated administration fees of £310K - £351K that will be required upon acquisition of the said properties.
- 1.43 Currently, a budget of only £250K has been identified from the council's capital resources to fund the acquisition of these properties, but recent negotiations with the West Yorkshire Housing Partnership have secured a further £240K for the period 2008/09. However, even with this additional funding, it is still insufficient to facilitate the acquisition of the currently approved CPO cases throughout the city and, should this situation prevail, the acquisition of the majority of the currently identified CPO cases will not be able to continue until this limited budget is able to be replenished from the sale of acquired properties.

Energy Efficiency in the Private Rented Sector.

- 1.1 The recent Leeds Private Sector House Condition Survey (LHCS) 2007 shows that a significant proportion of the private rented sector can be found in the older pre 1919 housing stock. There is particular concern that the standard of energy efficiency (the SAP rating) is often poor in this older housing and a significant number of private sector tenants are in fuel poverty.
- 1.2 In light of the above and in response to issues and conclusions raised by the recent LHCS a report was submitted to, and endorsed by, the Council's Executive Board in June 2008. The purpose of the report was to identify current good practice and propose a range of initiatives to further enhance the existing strategies. A copy of this recent report is attached for information and provides a more detailed appraisal of the subject.
- 1.3 The issues relating to excess cold and thermal efficiency can be summarised as follows:
- 1.4 The LHCS and Community Warmth Initiatives have, and will continue, to provide detailed and specific information to enable the authority to target it's enforcement regime,
- 1.5 In 2007/08 the following assistance was provided to the private rented sector:
 - 392 Warm front grants (> £360K in value) were provided
 - 1,200 households were provided specific detailed advice for their properties,
 - Advice sessions on energy efficiency were provided to Accredited Landlords,
 - Enforcement action was taken against any landlord refusing their tenants access to grant aid,
 - Advice leaflets were prepared to raise awareness amongst private tenants and better enable them to make complaints,
 - In excess of 60 improvement notices were served against private landlords to improve energy efficiency.
- 1.6 In addition to the above initiatives it was considered necessary to provide further enhancements and the following proposals are currently being developed and implemented in order to refresh the existing PRS Strategy:
 - An overall approach for enhanced action via the development of a PRS Strategy that reflects existing strategies such as the Leeds Affordable Warmth Strategy, The Regional Fuel Poverty Strategy, and Home Energy Conservation Act Recommendations. In particular, the information and intelligence from the LHCS will facilitate targeted interventions in areas of the city most at need,
 - Enhanced partnership working across all Directorates within the Council together with all key stakeholders (including private landlords),

- Increased use of the Housing Act 2004 and the Housing Health and Safety Rating System (HHSRS) aimed at addressing excess cold hazards in the PRS. We will aim to increase enforcement activity in this area by a minimum of 50% on the 2007/08 baseline,
- We will aim specific targeted work at the most vulnerable dwelling types located in the worst affected wards,
- All front line staff will receive programmed training – this is already being planned and co-ordinated and will enable officers to better identify poor thermal efficiency and take up of grant aid as well as improving enforcement activity,
- Enhanced working with the private landlords – Again this work has already started and a Forum was recently held at Leeds Civic Hall for members of the Leeds Landlord Accreditation Scheme (LLAS) to raise awareness and promote energy efficiency,
- Development of a series of suggested energy improvements work for various property types – these matrix have been promoted and are now posted on the Fuelsavers website,
- Group repair schemes already play a key role in regeneration and a Health Improvement Assessment (HIA) is currently being assessed with a view to extending such schemes. These schemes already significantly improve the thermal efficiency of the dwellings but further enhancements will also be considered for future schemes,
- Initiatives such as the 5 Ward Initiative will continue to see PRS households directly contacted via a programmed mail out of targeted information,
- The introduction of the requirement for Energy Performance Certificates (EPC's) in the PRS from 1st October 2008 provides a further opportunity to promote energy efficiency amongst the private landlords. An advice session has already been provided for LLAS members and information and updates are provided on a regular basis via the accreditation newsletter. Further consideration on how to promote the EPC's and requirements for landlords is also underway as is the need to work closely with service providers and key stakeholders. Furthermore, the authority, through its involvement in the UK HECA Executive is lobbying for additional specific information on EPC data to be made available by DCLG to local authorities to assist with further targeted enforcement actions,
- We have also created links to national and regional initiatives to maximise exposure such as the Yorkshire Landlords Day, organised by the Residential landlords Association, where officers were available and were able to promote energy efficiency and accidents in the home,
- Officers are currently forming a steering group, including members from all key stakeholders such as the Landlord Consultative Group, Private Rented Sector Strategy Group and Leeds Housing Partnership. The remit of the group will be to continuously monitor performance and review progress and effectiveness of the agreed action plans. This group will be incorporated within the remit of the Fuelsavers Advisory Board which is already considered to be working well.

Conclusion

- 1.7 Excess cold resulting from poor energy efficiency of houses, particularly older houses of solid wall construction with attic rooms within the usual loft area of the roof construction, and with inefficient heating systems, is the primary reason why properties fail under the Housing health and Safety Rating System. As a consequence of the significant proportion of older properties in the private rented sector (56% of rented properties constructed before 1919) and the technical difficulties and higher costs associated with improvements in such houses, the private rented sector presents a significant challenge in terms of scale and cost of improving energy efficiency . Furthermore, privately rented dwellings have far more Fuel Poverty (where more than 10% of net income is needed to provide adequate heating and hot water) – currently 33% compared with 16% in owner occupied dwellings.
- 1.8 Addressing excess cold and fuel poverty across all tenures must remain a key future priority, with a particular focus on the older housing stock , where many private sector tenants , including some of the most vulnerable members of society, reside.



Originator: Mike Brook
Tel: 0113 2476242

Report of the Director of Environment and Neighbourhoods

Executive Board

Date: 11th June 2008

Subject: Activity in the Private Rented Sector regarding Energy Efficiency.

<p>Electoral Wards Affected:</p> <p><input type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input checked="" type="checkbox"/></p>
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Eligible for Call In

Not Eligible for Call In (Details contained in the re

EXECUTIVE SUMMARY

The Private Rented Sector represents 13% of the total housing stock in Leeds and as such provides accommodation for a significant number of Leeds households, some of whom are amongst the most vulnerable members of society. Whilst there are many examples of good , well managed accommodation providing choice in a mixed tenure housing stock, there are also still examples of poor housing which do not represent value for money and have a detrimental impact on the health and well being of tenants.

Drawing a distinction between the older housing stock and more recently constructed accommodation, particularly in the city centre, much privately rented housing remains in poor condition . There is particular concern that the standard of energy efficiency (the SAP rating) is often poor in older housing and a significant number of private sector tenants are in fuel poverty.

This reports provides the background context of the city's private rented housing stock and sets out ways in which future strategy will contribute to improving both energy efficiency and reducing fuel poverty in the sector.

1.0 Purpose Of This Report

1.1 The purpose of this report is to advise the Executive Board on the current position and activity on energy efficiency measures within the private rented sector.

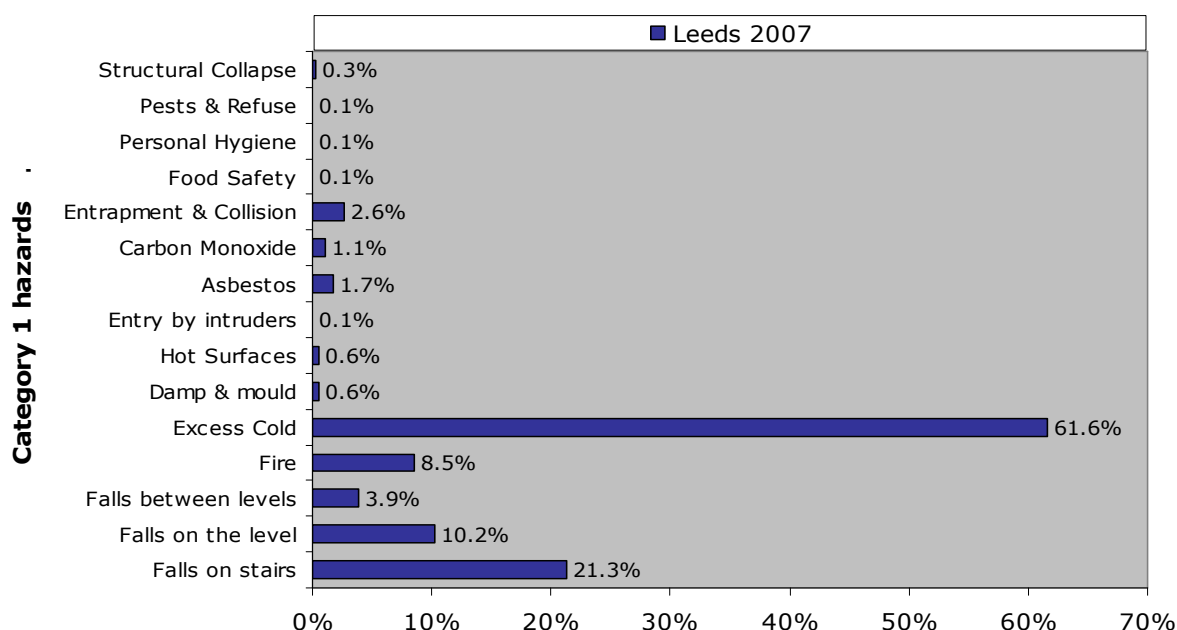
2.0 Background Information

2.1 The policies relevant to this subject include the Private Rented Sector Housing Strategy (2005 – 2010), the Leeds Affordable Warmth Strategy, the Home Energy Conservation Act (HECA) 11th progress report and the findings of the Leeds Private Sector House Condition Survey 2007. All of these pieces of work have identified the issue of poor energy efficiency in the Private Rented Sector as a key area for future focus. The Leeds Private Sector House Condition Survey 2007 in particular provided sound evidence to assist in informing housing strategies in general. This survey highlighted the priority areas for interventions to be the regeneration areas located in the central and inner city areas of the city and include Beeston, Cross Green and Harehills where the oldest houses are often found.

2.2 The introduction of the Housing, Health and Safety Rating System (HHSRS) in 2006 directs Councils to consider a range of 29 identifiable hazards within dwellings and assess the risk posed by those hazards. The most serious hazards are classed Category 1 where the Council then has a duty to take action to eliminate or significantly reduce the hazard. The presence of a category 1 hazard would result in the dwelling failing the decent homes standard.

Figure 1 below illustrates the significance of excess cold of all the statutory category one hazards within this sector :

Figure 1 – Category 1 Hazards by reason, as % of Category 1 Hazards



2.3 Recent research in Leeds suggests that 3,880 private sector dwellings need to be made decent , of which 2,730 are within the Private Rented Sector. Improving thermal comfort is a significant step in order to achieve this decency target. The intention, then, is to increase a range of activities to achieve more thermally efficient properties in the sector, to contribute effectively to the Council's targets on decency and reducing fuel poverty.

2.4 If the usual range of the energy efficiency improvements such as loft insulation and full central heating were carried out to all private sector dwellings considered to be in need of improvements (including owner occupied), this would involve an estimated 200,000 dwellings at a total estimated cost of £368million (an average of £1,840 per dwelling). With 13% of the total housing stock being in the Private Rented Sector, it can be assumed that approximately 26,000 dwellings would require such improvement.

3.0 **Legal Provisions to improve Energy Efficiency in the Private Rented Sector.**

3.1 In respect of energy consumption, the main relevant legislation is the Sustainable Energy Act 2003. This is supported by the Housing Act 2004 which provides legislative powers that allow the Authority to directly address energy efficiency in the Private Rented Sector and the main provisions are summarised below:

- The Housing Health and Safety Rating System (HHSRS) – to address poor housing conditions and eliminate category 1 hazards (the prime issue being cold homes).
- Licensing of Houses in Multiple Occupation (HMO) – the Housing Act allows Authorities to attach reasonable conditions to licenses requiring agreed standards to be reached in certain higher risk HMO's or designated selective licensing areas.
- Home Information Packs – Requires Private Sector landlords to provide energy performance certificates detailing the thermal efficiency of the properties from October 2008.

3.2 The 2007 Leeds Housing Stock Condition Survey and Community Warmth Initiative provide additional information to enable the Authority to better target its enforcement regime. For example, since the publication of the Stock Condition Survey results in late 2007, it became possible to identify dwelling types and locations within the city that are most likely to have poor thermal efficiency.

4.0 **Actions to date on addressing energy efficiency in the Private Rented Sector.**

4.1 Work to improve energy efficiency and the reduction of fuel poverty in this sector is not new to Leeds. Whilst much of the legal framework to secure improvement has been enforceable only relatively recently, Members will be

aware of the significant financial investment in the private sector facilitated principally through the Council's Fuel Savers team.

4.2 In 2007/08, the following assistance was provided to the private rented sector:

- 392 Warm Front Grants were provided, at a total value of just over £360k.
- 1,200 households were given tailored advice for their particular properties.
- Members of the Landlords Accreditation Scheme have received information through newsletters, presentations and training on energy efficiency measures throughout 2007/08. This has included providing worked examples of suitable energy efficiency works for certain property types, to educate landlords on some of the practical detail on improvements that would have the greatest impact on improving thermal efficiency.
- A leaflet has been produced for tenants, advising of actions open to them to improve the energy efficiency rating of the property they rent, by working through their landlord.
- Landlords who refuse eligible tenants access to Warm Front grant aid are now referred directly for enforcement action, although the number needing to be referred is low in practice.
- Over 2,800 licenses have been issued for Houses in Multiple Occupation to date. All such licenses contain a condition relating to minimum standards regarding heating systems. Whilst not in itself an energy reducing measure, it will do much to remove vulnerable households from fuel poverty.
- The Council offers Home Improvement Assistance, through equity release loans to householders, a proportion of which include energy efficiency improvements. Over 1500 households have been assisted through this scheme in the two years up to April 2008.
- In addition to the long history of financial incentives to assist energy efficiency improvements, the relevant parts of the Housing Act have been enforced in Leeds since April 2006. Over 60 enforcement notices were served to require improvements to address issues associated with cold homes in the first three quarters of 2007/08.

5.0 Proposals for Enhanced Action

5.1 An overall approach for enhanced action is intended through a refresh of the actions to deliver the Private Rented Sector Strategy. This will include the development of the Strategy to reflect new strategies such as the Leeds Affordable Warmth Strategy, the Regional Fuel Poverty Strategy and Home

Energy Conservation Act Recommendations. In particular, the information and intelligence from the Leeds Housing Stock Condition Survey 2007 will facilitate targeted interventions in areas of the city where they are most needed.

- 5.2 A prerequisite for success is an effective partnership across all Directorates within the Council together with key stakeholders such as delivery agents, landlords and managing agents etc.
- 5.3 A range of initiatives have been identified and are planned, with some already underway:
 - 5.3.1 Increased use of the Housing Act 2004 Housing Health & Safety Rating System aimed at addressing excess cold hazards in the Private Rented Sector. Whilst specific enforcement targets are not felt to be appropriate, enforcement activity in this area will aim to be increased by a minimum 50% on the 2007/08 baseline.
 - 5.3.2 Specific proactive targeted work will be aimed at the most vulnerable dwelling types located in the worst affected wards. In addition, appropriate enforcement action will be taken against any landlord who prevents warm front grant improvements being applied to their properties.
 - 5.3.3 Programmed training for all front line staff will take place to improve awareness of issues around Health Through Warmth, excess cold, Fuel Poverty and the availability of improvement schemes and grant aid for the private sector.
 - 5.3.4 Enhanced working with private landlords on this subject will occur through improved information and advice via the Leeds Landlord Accreditation Scheme (LLAS) and UNIPOL. Detailed information to landlords on suitable thermal efficiency measures using the existing newsletters and forums will continue and build on that provided in 2007/08. A recognition scheme to reward landlords in the LLAS who carry out energy efficiency works to our recommended standards will be considered.
 - 5.3.5 Existing partnership working with the Homelessness Advice and Prevention (HAP) team has seen the creation of new tenancies within the private rented sector. Performance measures will be developed for landlords to comply with energy efficiency standards for all such tenancies.
 - 5.3.6 The health impact of group repair schemes is now being assessed with a view to extending such schemes. Although group repair schemes include only external works, thermally efficient materials and recycled products are used to reduce household energy consumption. In addition, all occupants are provided with information and advice on improving energy efficiency within the dwelling. Group repair funding, along with Health Through Warmth and Community Warmth funding currently represent the only grant aid available to landlords.

- 5.3.7 A greater influence will be brought to the various regeneration schemes across the city to promote thermal efficiency as a significant element.
- 5.3.8 The license conditions attached to HMOs will be reviewed to introduce thermal efficiency conditions when licenses are due to be renewed (in addition to the current requirements for heating systems).
- 5.3.9 The business case for selective licensing in the city has only just been submitted for approval, however specific conditions on properties within such areas will be considered and introduced where justifiable & complimentary to the selective licensing pilots.
- 5.3.10 The Empty Property Strategy will be updated to provide incentives for landlords to incorporate suitable energy efficiency measures alongside requiring them to bring the properties back into use. This action would include the promotion of initiatives including warm front grants and could be targeted at members of the Accreditation Scheme as existing partners providing good services. The incorporation of suitable covenants on properties for sale will be pursued to ensure improvements in energy efficiency on properties subject to such action.
- 5.3.11 Links will be strengthened with all key stakeholders and partners involved in service delivery. A typical example could be discussions with colleagues in Development Department regarding planning applications and the extension into energy efficient measures. An extension of the application of S.106 monies to cover enhanced thermal efficiency works will be explored with colleagues in Development. The promotion of initiatives with property developers to generate energy efficiency and sustainability savings when considering new build and affordable homes will also be considered. Complimentary to these initiatives would be the need to ensure that all such work on dwellings is effectively monitored and policed to ensure compliance with Building Control Regulations.
- 5.3.12 Initiatives such as the 5 ward initiative will see Private Rented Sector households directly contacted via a programmed mail-out of targeted information. In addition, the introduction of the requirement for Energy Performance Certificates as part of the Home Information Packs (HIPs) will be used as an opportunity to provide advice regarding energy efficiency measures in the private sector. Also, officers undertaking routine inspections of dwellings will identify households using pre paid or expensive fuel tariffs for these cases to be referred to partners to establish more efficient schemes.
- 5.3.13 Links to national and regional initiatives will be maximised. Initiatives such as the Yorkshire Landlord Day, organised by the Residential Landlords Association will allow the opportunity to promote energy efficiency matters such as efficient boilers and insulation works with the landlords and developers.
- 5.3.14 All housing policies will seek to incorporate energy efficiency measures to

remove excess cold and improve thermal efficiency. Any such schemes would then be used to demonstrate possible efficiency savings and promote good practice when undertaking renovation or improvement works.

- 5.3.15 Officers will form a steering group, including members from all key stakeholders such as the Landlord Consultative Group, Private Sector Strategy Group and Leeds Housing Partnership. The remit of the group will be to include continual monitoring of performance targets and review the progress and effectiveness of the agreed action plans listed above. This activity could be incorporated within the remit of the Fuelsavers Advisory Board, which is considered to be working well.

6.0 Implications For Council Policy And Governance

- 6.1 The existing Private rented Sector Strategy already plays a significant part in contributing to the criteria set out in the Vision for Leeds strategy document and in particular the Council's Narrowing the Gap Agenda. It will continue to contribute to the Council's strategic outcomes in particular around the themes Thriving Places, Environmental Excellence and Health and Wellbeing.
- 6.2 Development and inclusion of new proposals in the Private Rented Sector Strategy and elsewhere will further enhance performance and contribute towards the eradication of fuel poverty. Furthermore, the actions to improve thermal efficiency and reduce energy consumption and CO₂ emissions will produce a positive contribution to the Council's Environmental Plan.

7.0 Legal And Resource Implications

- 7.1 The Council has a legal responsibility to enforce a range of statutory provisions relating to housing conditions, in particular a duty to remedy Category 1 Hazards identified in houses under the provisions of the Housing Health and Safety Rating System introduced by the Housing Act 2004, which replaced the old Fitness Standard.
- 7.2 There are no obligations on the local authority to provide financial assistance to landlords to help meet the cost of complying with standards. There are however, resource implications for the Council in fulfilling its duties and seeking to achieve the targets for improving the conditions in the private sector as a whole through promotional and regulatory actions ,bearing in mind the total number of houses in the sector . The Leeds Housing Condition Survey predicts a required investment of £368m in the next 5 years to address Category 1 hazards alone in the private sector. The major proportion of these hazards relate to excess cold issues, which gives some indication of the scale of the challenges ahead.

8.0 **Recommendations**

- 8.1 Members of the Executive Board are asked to endorse and support the actions proposed to promote energy efficiency measures in the private rented sector (para 5.0), which build on those undertaken to date.

SCRUTINY INQUIRY INTO PRIVATE RENTED HOUSING

REFERENCE DOCUMENTS

PREVIOUS REPORTS TO SCRUTINY BOARDS

18 January 2005	The Housing Act 2004 – The Impact on the Private Rented Sector in Leeds
07 September 2005	Private Sector Housing – Action to Address Fitness and Empty Properties
22 February 2006	Progress Report – The Implementation of the Housing Act 2004
March 2007	Leeds Housing Investment Programme
24 October 2007	Empty Property Strategy – Position Update

PREVIOUS REPORTS TO EXECUTIVE BOARD

10 March 2003	Long-Term Empty Homes
21 September 2005	The Establishment of an HMO Licensing Team in respect of the Mandatory Licensing of HMOs (Houses in Multiple Occupation)
13 November 2006	Empty Property Strategy 2006-2010
11 June 2008	Activity in the Private Rented Sector regarding Energy Efficiency

CURRENT LCC STRATEGY DOCUMENTS

- Leeds Housing Strategy 2005/06 – 2009/10
- Empty Properties Strategy 2006-2010 and Action Plan (update at 30.07.08)
- Leeds Private Rented Housing Strategy 2005-2010 (January 2007)
- Leeds Home Improvement Assistance Policy



Originator: A Brogden

Tel:2474553

Report of the Head of Scrutiny and Member Development

Scrutiny Board (Environment and Neighbourhoods)

Date: 10th November 2008

Subject: Enforcement of Dog Fouling

Electoral Wards Affected: All

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1 Last month, Members received a briefing note on dog fouling enforcement which clarified the role of dog wardens and the resources available for enforcing dog fouling. The briefing note also included data showing the numbers of dog fouling Fixed Penalty Notices issued, prosecutions made, stray dogs impounded and dog service requests made over the last 3 years on a city-wide basis.
- 1.2 In acknowledging this information, the Board requested to receive this data on a monthly basis and broken down into Ward areas. The Board also requested further clarification on a number of issues, including the working hours of dog wardens and other relevant staff, such as Neighbourhood Wardens and Park Rangers.
- 1.3 In response to the requests made by the Board, a briefing note has been provided by the Health and Environmental Action Service and is attached for the Board's consideration.

2.0 Recommendations

- 2.1 The Board is asked to note the attached briefing note around dog fouling enforcement.

Background Papers

None

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Health and Environmental Action Service - Briefing Note on Dog Fouling – 28th October 2008

Following the Scrutiny Board meeting on Monday 13th October 2008, a number of issues were raised with regards to the dog warden service and requests for further information. Responses to these issues are as follows:-

1. Clarification as to why fixed penalty notices in relation to dog fouling had reduced over the last three years

There may be a number of reasons as to why this has occurred, the main reason being that the numbers of offences have reduced. The staff are “high profile” and drive around in vehicles which are sign written with a campaign highlighting dog fouling and environmental crime. Prosecutions are publicised through the website and the media. Anti-fouling signage is erected city wide. Consequently, more members of the public are aware of the offence.

2. The need for dog fouling enforcement to become a standing item on the Board's agenda until further notice

Reports can be provided on a monthly basis which will detail the number of dog fouling fixed penalty notices issued, prosecutions (for dog related offences), the numbers of stray dogs impounded and the numbers of general requests for service. These can be submitted on a ward basis at the end of each calendar month. The data for September 2008 is attached.

3. The need for more staff to be employed within the Dog Warden Service

The service is short staffed at present due to maternity leave, with the post holder not due to return until 2009. In terms of dog issues, priority is given to stray dogs, as the authority has statutory duty under Environmental Protection Act 1990 to collect.

East Leeds Area Management did temporary fund an officer to work two days per week in their super output areas only. This project has now come to an end.

To support the officers in dealing with dog fouling issues, we also have other officers trained to issue dog fouling FPN's including staff in the Environmental Action Teams. In addition, in November we are undertaking a pilot to train some neighbourhood wardens and park rangers to issue litter and dog fouling FPN's. This will then be rolled out city wide.

4. Clarification of the hours worked by Dog Wardens

The dog wardens work Monday – Friday, excluding bank holidays. The hours the service is covered is from 8am until 5pm. We have a contracted kennel facility available out of hours where members of the public can take strays they have found.

Neighbourhood wardens work Monday to Friday in shifts on either 7am until 3pm or 8am until 4pm.

Parkswatch staff work on a shift basis - 4 days on/ 4 days off on an 8 day cycle. 6 officers work every day and the service is covered 7 days from 10am until 10pm.

Stacey Campbell
Service Manager
Highways & Environmental Enforcement Team

Dog Enforcement Report - Sept 2008

Ward	Service Requests	Impounds	Returned to Owner	Prosecutions	Fixed Penalty Notices
Adel & Wharfedale	7	1	1	0	0
Alwoodley	14	3	1	0	0
Ardley & Robin Hood	12	3	0	0	0
Armley	14	2	1	DDA x 1	0
Beeston & Holbeck	14	5	2	DF x 1	1
Bramley & Stanningley	13	6	2	0	0
Burmantofts & Richmond Hill	13	2	1	0	1
Calverley & Farsley	16	1	2	0	0
Chapel Allerton	17	5	1	0	0
City & Hunslet	19	5	3	0	1
Crossgates & Whinmoor	21	10	5	DA x 1	0
Farnley & Wortley	11	6	1	0	0
Garforth & Swillington	12	0	0	0	0
Gipton & Harehills	49	9	2	0	1
Guiseley & Rawdon	9	1	0	0	0
Harewood	9	2	3	0	0
Headingley	2	0	0	0	0
Horsforth	9	0	0	0	0
Hyde Park & Woodhouse	6	1	0	DF x 1	0
Killingbeck & Seacroft	52	5	1	0	2
Kippax & Methley	7	1	0	0	0
Kirkstall	14	2	0	0	0
Middleton Park	21	7	1	0	0
Moortown	9	7	1	0	1
Morley North	13	2	0	0	0
Morley South	18	2	1	0	0
Otley & Yeadon	14	1	1	0	0
Pudsey	15	0	2	0	0
Rothwell	16	2	0	0	0
Roundhay	12	0	0	0	0
Temple Newsam	17	4	2	0	0
Weatwood	7	1	0	0	0
Wetherby	6	4	1	0	0
Total	488	100	35	4	7

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Originator: A Brogden

Tel:2474553

Report of the Head of Scrutiny and Member Development

Scrutiny Board (Environment and Neighbourhoods)

Date: 10th November 2008

Subject: Inquiry into Asylum Seeker Case Resolution

Electoral Wards Affected: All

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1 At the beginning of the year the Board agreed to carry out an Inquiry into Asylum Seeker Case Resolution. Terms of reference for this Inquiry were agreed by the Board last month. These are attached as appendix 1.
- 1.2 The purpose of today's meeting is to consider evidence in line with session one of the Board's Inquiry. This session focuses on the following areas:
- Details of the Government's case resolution policy and process in a Leeds and wider regional context;
 - Baseline data on the number of asylum seekers within Leeds who qualify for the case resolution programme;
 - Data showing the number of positively resolved cases as per the case resolution process;
 - Current and potential impact upon housing provision by the authority and the private rented sector of resolved case resolution cases;
 - Current and potential impact upon homelessness figures of resolved case resolution case.
- 1.3 A working group of the Board met on 27th October 2008 to consider evidence in line with the above. A summary report of the working group's discussions is attached as appendix 2 for the Board's consideration.

2.0 Recommendations

2.1 The Board is asked to note the summary report of the working group.

Background Papers

None

SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS)

INQUIRY INTO ASYLUM SEEKER CASE RESOLUTION

TERMS OF REFERENCE

1.0 Introduction

- 1.1 At its meeting on 16th June 2008, Scrutiny Board (Environment and Neighbourhoods) resolved to undertake an Inquiry into the impact of the UK Border Agency Case Resolution Programme for asylum seekers who had submitted an asylum application prior to April 2007 and whose cases remained unresolved, upon the housing stock in the city.
- 1.2 Although the number of asylum applications nationally has decreased considerably over the last few years, the regional contract continues to accommodate approximately 20% of all supported asylum and failed asylum seekers. Historically, Leeds has had the largest proportion of asylum seeker placements in the region. Discussions have taken place with UKBA and other contracting local authorities to introduce measures that will even dispersal proportions out across the region. Measures have been agreed and are being implemented which are producing a thinning out of asylum procurement, across sector, in areas of high concentration.
- 1.3 Members were also interested in the related issue of community cohesion and how the authority was involved in the settlement of those asylum seekers who have been given permission to remain in the city following the case resolution drive from the Government.
- 1.4 UKBA is committed to removing the back log of cases that are now the business of the Case Resolution Directorate, and aims to have all pre-New Asylum Model (NAM) cases resolved by 2011. The initial phase undertaken between the end of August 2007 and March 2008 focussed upon families. UKBA maintain that the process will now progress on a case by case basis, prioritised by a number of criteria which take into account cost to the public purse and the ease at which a case can be resolved. Given the continuing process Members wish to discuss how the authority is preparing in terms of service provision, particularly in the long term.

2.0 Scope of the inquiry

- 2.1 The purpose of the Inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:
 - Assess the impact of positively resolved cases upon housing provision by the authority and the private rented sector;

- Assess the impact of the case resolution process upon homelessness figures;
- Consider the details of the Government's case resolution policy and process in a Leeds and wider regional context;
- Assess the possible service requirements as the case resolution process develops;
- Consider the impact of case resolution on the placement of asylum seekers across the city and explore links with existing community cohesion policies.

3.0 Comments of the relevant Director and Executive Member

- 3.1 In line with Scrutiny Board Procedure Rule 12.4 the views of the relevant Director and Executive Member have been sought and have been incorporated where appropriate into these Terms of Reference. Full details are available on request to the Scrutiny Support Unit.

4.0 Timetable for the inquiry

- 4.1 The Inquiry will take place over a number of sessions. These sessions will involve working group meetings which will provide flexibility for the Board to gather and consider evidence that will aid the discussions during the public Board meetings.
- 4.2 The length of the Inquiry is subject to change.

5.0 Submission of evidence

5.1 Session one – Scrutiny Board Meeting (10th November 2008)

To consider evidence in relation to the following areas:

- Details of the Government's case resolution policy and process in a Leeds and wider regional context;
- Baseline data on the number of asylum seekers within Leeds who qualify for the case resolution programme;
- Data showing the number of positively resolved cases as per the case resolution process;
- Current and potential impact upon housing provision by the authority and the private rented sector of resolved case resolution cases;
- Current and potential impact upon homelessness figures of resolved case resolution case.

5.2 Session two – Scrutiny Board Meeting (12th January 2009)

To consider evidence in relation to the following areas:

- An assessment of the possible service requirements as the case resolution process develops;
- Assessment of the impact of case resolution on the placement of asylum seekers across the city and links with existing community cohesion policies;
- Assessment of any identified equality impacts.

5.3 Session three - (20th April 2009)

- To agree final report

6.0 Witnesses

6.1 The following witnesses have been identified as possible contributors to the Inquiry:

- Director of Environment and Neighbourhoods, Leeds City Council
- Executive Member for Neighbourhoods and Housing
- Head of Housing Needs and Options, Leeds City Council
- Asylum Services Manager, Leeds City Council
- Chief Regeneration Officer, Leeds City Council
- Manager Homeless Services, Leeds City Council
- Representative from UK Border Agency
- Representative from the Yorkshire and Humber Regional Migration Partnership

7.0 Post inquiry report monitoring arrangements

7.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored.

7.2 The final inquiry report will include information on the detailed arrangements for how the implementation of recommendations will be monitored.

8.0 Measures of success

8.1 It is important to consider how the Scrutiny Board will deem if their inquiry has been successful in making a difference to local people. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other

measures of success may become apparent as the inquiry progresses and discussions take place.

8.2 Some initial measures of success are:

- No increase in the number of destitute refugees identified through the rough sleepers team
- Sustainable housing solutions identified for those whose cases have been resolved without increasing the volumes within temporary accommodation.
- Adequate support services in place to ensure individuals are able to fully access all move on services and integrate.

Scrutiny Board (Environment and Neighbourhoods) Inquiry into Asylum Seeker Case Resolution

Summary report of the working group meeting held on 27th October 2008.

1.0 Introduction

- 1.1 A working group of the Board met on 27th October 2008 to consider evidence in line with session one of the Board's Inquiry into Asylum Seeker Case Resolution
- 1.2 Session one of the Board's Inquiry focused on the following areas:
- Details of the Government's case resolution policy and process in a Leeds and wider regional context;
 - Baseline data on the number of asylum seekers within Leeds who qualify for the case resolution programme;
 - Data showing the number of positively resolved cases as per the authority and the private rented sector of resolved case resolution cases;
 - Current and potential impact upon homelessness figures of resolved case resolution case.
- 1.3 The Director of Environment and Neighbourhoods provided a report covering the above areas. The following Members and officers attended the working group meeting to discuss the evidence submitted:

Councillor B Anderson (Chair of the Scrutiny Board)
Councillor A Gabriel
Councillor J Marjoram
Angela Brogden (Principal Scrutiny Adviser)
Tom Wiltshire (Head of Housing Needs and Options)
Sharon Hague (Asylum Services Manager)

- 1.4 A summary of the key issues raised by the working group is set out below.

2.0 Main issues raised

The Government's case resolution policy and process in a Leeds and wider regional context.

- 2.1 The working group learned that in July 2006 the Home Secretary made a statement to clear a backlog of 450,000 legacy records relating to pre April 2007 unresolved asylum cases by July 2011. The working group acknowledged that the term 'records' was important as this was not necessarily referring to individuals.
- 2.2 It was highlighted that the priorities for this case resolution programme was to focus on those who pose a risk to the public, those who could more easily be

removed, those in receipt of UK Borders Agency (UKBA) support and those who may be granted leave to remain.

- 2.3 The working group noted that the programme was initially to be undertaken over several tranches. The first tranche began in October 2007 and focused on supported family cases over 4 years old, and was due to be completed by March 2008. There were approximately 1,060 families in the first tranche in Yorkshire & Humberside, with 279 of these being in Leeds across both public and private sector contracts. This made up a total of 981 individuals, with approximately 95% of all these cases being resolved through the granting of status. However, the working group was informed that, for Leeds, the time frame had slipped and there are currently about 5% of the original cohort still awaiting resolution.
- 2.4 The working group also learned that UKBA have now taken a decision to not proceed in tranches which focus on specific groups. Instead, UKBA will now be resolving records on an ongoing basis across all family structures and support mechanisms. This followed consultation and feedback from stakeholders regarding the impacts and pressures created by focusing this programme on specific groups, as in the first tranche.

Baseline data on the number of asylum seekers within Leeds who qualify for the case resolution programme.

- 2.5 The working group learned that the information provided by UKBA indicates that there are approximately 3500 records for Leeds which will require resolution before 2011. It was noted that these records could relate to families and therefore involve more than 3500 individuals. The working group questioned whether this information could be provided on an area basis and were informed that this was currently being raised with the UKBA.
- 2.6 It was also stressed to the working group that these figures do not necessarily relate to actual cases either and that the work undertaken so far during this programme projects that more than 40% of these records will be either "ghosts" (those individuals who cannot be located by UKBA and are believed to be no longer residing in the UK), duplicates, or administrative errors.
- 2.7 The working group expressed concern about the validity of the data coming from the UKBA and agreed to raise this with representatives from the UKBA as part of the second session of the inquiry.
- 2.8 However, the working group was pleased to learn that from January 2009 all local authority areas will have a named Case Resolution Directorate case owner to which cases in each area will be allocated. This will allow much closer working between the authorities and UKBA, enabling clearer communications and any issues or concerns to be addressed quickly and directly.

- 2.9 During the discussion, particular reference was made to those asylum seekers in receipt of Section 4 support from the UKBA who qualify for the case resolution programme. The working group learned that Section 4 support is provided in the form of self catering accommodation with vouchers to the value of £35 per week to purchase food and essential toiletries, and is provided to a failed asylum seeker who is destitute and also satisfies one or more of the following conditions:-
- They are taking all reasonable steps to leave the UK or to place themselves in a position where they are able to leave the UK, e.g. sign up for a voluntary return or demonstrate that they are complying with attempts to obtain travel documents to facilitate departure.
 - They are unable to leave the UK because of a physical impediment to travel or for some other medical reason
 - They are unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available
 - The provision of accommodation is necessary for the purposes of avoiding a breach of their human rights.
- 2.10 It was highlighted that many people have remained on Section 4 support for extended periods of time, often running to years, even though the regulations provide for a 3 monthly review of an individual's circumstances to satisfy the Home Office that an individual is still eligible for continuing Section 4 support.
- 2.11 The working group was informed that in September 2008, UKBA had announced that the Case Resolution Directorate team in Yorkshire & Humber and North East would be reviewing the continuing entitlement to support all those households currently supported under Section 4 in the region, between 4,000 – 5,000 cases across the entire region. This review is targeted for completion before March 31st 2009 either alongside or prior to their cases being resolved.
- 2.12 The working group also learned that the information provided by UKBA indicates that there are approximately 800 Section 4 cases to be reviewed in Leeds before the end of December 2008. It is envisaged that a large number of these cases will no longer be eligible for support under the regulations.
- 2.13 The working group noted that the review of these cases will not be combined with a resolution for most and that when an individual's Section 4 support is terminated, they are expected to maintain contact with UKBA so they can be encouraged to return home or either be removed or granted status when their cases are worked upon. The working group raised concerns about the implications of this approach, as it was believed that many individuals whose support is terminated will not maintain contact with UKBA and will 'disappear' and enter the 'black market' to support themselves, thus creating difficulties in

regard to knowing where individuals are to enable their cases to be successfully resolved through removal or the granting of status.

- 2.14 It was considered likely that these individuals would remain in Leeds given that no other local authority is obliged to support them as the legal responsibility remains with the metropolitan district they originated from. Concerns were therefore raised about the welfare of these individuals, particularly in relation to their ongoing health needs and living accommodation. It was highlighted to the working group that such individuals were likely to either reside with friends or move into the private rented sector where they could be taken advantage of by unscrupulous landlords given their vulnerability and limited options available. However, it was stressed that the extent of this problem was difficult to quantify and monitor given that there is no real data available relating to these individuals. References were made to the Council's Housing Enforcement Team as they were more likely to pick up any issues raised about poor housing conditions within the private rented sector. The working group agreed that it would be appropriate for the Scrutiny Board to approach this Team as part of the inquiry and also acknowledged the links between this inquiry and the Board's ongoing inquiry into Private Rented Sector Housing.
- 2.15 It was stressed to the working group that it was the responsibility of the Home Office to remove those individuals whose applications had been declined. The working group noted that officers from the Council had previously discussed with UKBA the potential impacts for the authority in regard to community pressures from those who become destitute, and financial impacts derived from approaches to the LA for support and assistance because there are support needs above and beyond destitution or have dependant children.
- 2.16 The Council sought assurances from UKBA that they had prepared for these difficulties and put in place a strategy for monitoring these individuals and maintaining contact. Whilst this was not clarified by UKBA, the working group was informed that the current understanding is that a case can be resolved as a "ghost" record when no contact or record of an individual can be found for over 6 months. However, the working group felt that a 'ghost' record did not necessarily mean that the individual had left the area. The working group considered it vital for the UKBA to find a more satisfactory solution for such individuals than simply terminate their Section 4 support and agreed to discuss this further with UKBA as part of this ongoing inquiry.

Data showing the number of positively resolved cases as per the authority and the private rented sector of resolved case resolution cases.

- 2.17 The working group was informed that within the initial family tranche, Leeds was seeking to resolve 279 cases. It was apparent that the majority of these cases would be granted some form of leave to remain and therefore become eligible for further housing assistance. The working group noted that this presented a major potential pressure on the housing supply, particularly as all

the cases involved families and would in effect create up to 279 homeless families to whom the authority owed a potential duty under the Homeless legislation.

- 2.18 It was highlighted that these 279 cases were split between the public and private sector providers, with 104 supported by Leeds City Council. It was also noted that the volume of approaches would also result in an increase in the numbers in temporary accommodation. Additional volumes in temporary accommodation will increase the cost to the authority of this provision, although it was noted that all the families involved would qualify for full housing benefit and therefore initially this will not be a major budget pressure.

Current and potential impact upon homelessness figures of resolved case resolution case.

- 2.19 The working group learned that for those in private sector accommodation, the homeless prevention approach would be adopted. Key to this was to seek to manage this transition in a planned way and secure a permanent housing outcome through assured short hold tenancies. However, due to the volume of cases involved, it was anticipated that the majority would still approach the homeless service for assistance.

Other potential impacts for the City.

- 2.20 The working group acknowledged that it is not possible to assess the full impact that both Case Resolution Directorate and the section 4 reviews will have on the City, due to a lack of information regarding the outcomes for those cases being resolved or reviewed. However, as part of the planning process consideration should be given to the following potential impacts:-

Housing - Accommodation and support needs of those granted status outside the rules – although at this stage it is impossible to predict how many families and individuals will be granted status.

Community Cohesion - Community impacts deriving from those who have their support terminated and subsequently become destitute with no means of supporting themselves. E.g. overcrowding, rough sleeping, crime and impact on front line voluntary sector services and faith organisations. It is likely that this outcome will apply to the majority of those section 4 cases highlighted above.

Financial - Financial impacts on the local authority due to approaches from those who no longer qualify for UKBA support, but have dependant children or satisfy the destitute plus criteria. Again it is impossible to assess the potential costs which may derive from these approaches without understanding how many cases will have their support ceased, what needs those families and individuals have and how long following cessation of support before their case is fully resolved.

- 2.21 The authority has been provided with potential numbers of cases and records which will be case worked and resolved through the CRD process, however, without fully understanding the outcomes for those supported or how many other cases are residing unsupported in the city it is difficult to plan and assess the volume of resources required to effectively manage the implementation of this programme. Further meetings and consultation events for stakeholders are being held by UKBA and information from these discussions will be provided to the Scrutiny Board and form part of the authorities plans to manage the programme.



Originator: A Brogden

Tel:2474553

Report of the Head of Scrutiny and Member Development

Scrutiny Board (Environment and Neighbourhoods)

Date: 10th November 2008

Subject: Current Work Programme

Electoral Wards Affected: All

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

1.1 Appendix 1 to this report provides Members with a copy of the Board's current Work Programme.

1.2 Appendix 2 is the current Forward Plan of Key Decisions for the period 1st November 2008 to 28th February 2009.

2.0 Recommendations

2.1 The Board is requested to:

- (i) Determine from these documents whether there are any additional items the Board would wish to add to its Work Programme.
- (ii) Receive and make any changes to the attached Work Programme following decisions made at today's meeting.

Background Papers

None

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SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS) - LAST REVISED OCTOBER 2008

Appendix 1

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Meeting date: 8TH December 2008			
Inquiry into Older People's Housing	To consider evidence in line with session 1 of the Board's inquiry		RP
Inquiry into Street Cleaning	To consider evidence in line with session 2 of the Board's inquiry		
Update on the Supporting People Programme	To receive a quarterly update on the Supporting People Programme		PM
Enforcement of Dog Fouling	To receive a monthly update report on the enforcement of dog fouling.		PM
Meeting date: 12TH January 2009			
Performance Management	Quarter 2 information for 2008/09 (July-Sept)	All Scrutiny Boards receive performance information on a quarterly basis	PM
Recommendation Tracking	This item tracks progress with previous Scrutiny recommendations on a quarterly basis		MSR
Review of HMO landlord licensing	Following the establishment of a licensing scheme for private landlords, the Board has requested information on its impact.	Report only	B
ALMO inspection review	To discuss the outcome of the ALMO inspections		
Inquiry into Asylum Seeker Case Resolution	To consider evidence in line with session 2 of the Board's inquiry		
Enforcement of Dog Fouling	To receive a monthly update report on the enforcement of dog fouling.		PM

SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS) - LAST REVISED OCTOBER 2008

Appendix 1

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Meeting date: 9th February 2009			
Inquiry into Private Rented Sector Housing	To consider evidence in line with session 2 of the Board's inquiry		
Inquiry into Older People's Housing	To consider evidence in line with session 2 of the Board's inquiry		
Enforcement of Dog Fouling	To receive a monthly update report on the enforcement of dog fouling.		
Grounds Maintenance Service Improvement Plan	To consider the Service Improvement Plan for Grounds Maintenance.		B
Meeting date: 16th March 2009			
Performance Management	Quarter 3 information for 2008/09 (Oct-Dec)	All Scrutiny Boards receive performance information on a quarterly basis	PM
Recommendation Tracking	This item tracks progress with previous Scrutiny recommendations on a quarterly basis		MSR
Inquiry into Street Cleaning	To agree draft final report		
Enforcement of Dog Fouling	To receive a monthly update report on the enforcement of dog fouling.		
Miscellaneous Properties	To receive an update report on the numbers and occupation levels of miscellaneous properties belonging to the Council, not within the ALMO portfolios		

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Meeting date: 20 TH April 2009			
Annual Report	To agree the Board's contribution to the annual scrutiny report		
Inquiry into Asylum Seeker Case Resolution	To agree draft final report		
Inquiry into Private Rented Sector Housing	To agree draft final report		
Inquiry into Older People's Housing	To agree draft final report		
Enforcement of Dog Fouling	To receive a monthly update report on the enforcement of dog fouling.		
Leeds Housing Strategy	To consider the Strategy in line with the Budget and Policy Framework.		

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Suggested Areas for Scrutiny Currently Unscheduled			
Inquiry into Anti-social Behaviour			
Performance of Enforcement			

Key:
 CCFA / RFS – Councillor call for action / request for scrutiny
 RP – Review of existing policy
 DP – Development of new policy
 MSR – Monitoring scrutiny recommendations
 PM – Performance management
 B – Briefings (Including potential areas for scrutiny)
 SC – Statutory consultation
 CI – Call in

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LEEDS CITY COUNCIL**FORWARD PLAN OF KEY DECISIONS**

For the period 1 November 2008 to 28 February 2009

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made)
Request to enter into a contract with Foundation Housing for the Temporary Emergency Accommodation Service/Resettlement Service To authorise the entering into of a contract following a competitive tendering exercise to provide Housing related support for a period of 3+1+1 years with Foundation Housing.	Director of Environment and Neighbourhoods	3/11/08	N/A	Report and tender documentation	Director of Environment and Neighbourhoods
Request to enter into a Service Level Agreement with Adult Social Care for the Provision of Supporting People Services for People with Learning Disabilities Approval to enter into Supporting People Service Level Agreement with Leeds City Council, Adult Social Care Directorate for a period of 3 + 1 years.	Director of Environment and Neighbourhoods	3/11/08	N/A	Report and Options Appraisal for the Delegated Decision Panel	Director of Environment and Neighbourhoods

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made)
Request to enter into a Service Level Agreement with Adult Social Care for the Provision of Supporting People Services for People with Learning Disabilities Approval to enter into Supporting People Service Level Agreement with Leeds City Council, Adult Social Care Directorate for a period of 18+6 months.	Director of Environment and Neighbourhoods	3/11/08	N/A	Report and Options Appraisal for the Delegated Decision Panel	Director of Environment and Neighbourhoods
Request to enter into a contract with Carr Gomm for the Provision of Supporting People Services for homeless families and women experiencing domestic violence (Leeds Floating Support for Families, SID 1031) Approval to enter into Supporting People contract with Carr Gomm for a period of 3 (1+1) years.	Director of Environment and Neighbourhoods	3/11/08	N/A	Report and Options Appraisal for the Delegated Decision Panel	Director of Environment and Neighbourhoods
Area Delivery Plans for 2008/09 Endorsement of 10 Area Delivery Plans	Executive Board (Portfolio: Neighbourhoods and Housing)	5/11/08	Elected Ward Members, Area Committees, Regeneration Management Teams	The report to be issued to the decision maker with the agenda for the meeting	Director of Environment and Neighbourhoods

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made)
<p>Leeds Town and District Centres Programme- Oakwood Phase 2 Town and District Centre To approve expenditure for the Town and District Centre Regeneration Scheme as supported by Asset Management Group (AMG).</p>	<p>Executive Board (Portfolio: Development and Regeneration)</p>	<p>5/11/08</p>		<p>The report to be issued to the decision maker with the agenda for the meeting</p>	<p>Director of Environment and Neighbourhoods</p>
<p>Round 6 Housing Private Finance Initiative Programme- Lifetime Homes; Lifetime Neighbourhoods Decision to submit Expression of Interest</p>	<p>Executive Board (Portfolio: Neighbourhoods and Housing)</p>	<p>5/11/08</p>	<p>Executive Members, Ward Members, Older People's Strategic Partnership Board</p>	<p>The report to be issued to the decision maker with the agenda for the meeting</p>	<p>Deputy Chief Executive</p>
<p>Request to waive contract procedure rule 12 and enter into a Supporting People contract with Stonham Division of Home Group Ltd. Authorisation to waive contract procedure rule 12 and enter into a Supporting People contract with Stonham Division of Home Group Ltd. for the Leeds Prevention Service, Kirkstall Lodge and South Leeds Tenancy Sustainment services.</p>	<p>Director of Environment and Neighbourhoods</p>	<p>1/12/08</p>	<p>N/A</p>	<p>Report to be presented to the Delegated Decision Panel</p>	<p>Director of Environment and Neighbourhoods</p>

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made)
<p>Request for approval to enter into a Supporting People SLA for services for people with mental health problems</p> <p>Approval to enter into a Supporting People Service Level Agreement with Leeds City Council for their accommodation based services for people with mental health problems – Cottlingley Court, Spen Croft and Bewerley Croft Services.</p>	<p>Director of Environment and Neighbourhoods</p>	<p>1/12/08</p>	<p>N/A</p>	<p>Report to be presented to the Delegated Decision Panel</p>	<p>Director of Environment and Neighbourhoods</p>
<p>Leeds Town and District Centres Programme</p> <ul style="list-style-type: none"> - Headingley Town Centre Improvements <p>To approve expenditure for the Headingley Town and District Centre Regeneration scheme as supported by Asset Management Group (AMG).</p>	<p>Executive Board (Portfolio: Development and Regeneration)</p>	<p>3/12/08</p>		<p>The report to be issued to the decision maker with the agenda for the meeting</p>	<p>Director of Environment and Neighbourhoods</p>

NOTES

Key decisions are those executive decisions:

- which result in the authority incurring expenditure or making savings over £250,000 per annum, or
- are likely to have a significant effect on communities living or working in an area comprising two or more wards

Executive Board Portfolios

Executive Member

Central and Corporate	Councillor Richard Brett
Development and Regeneration	Councillor Andrew Carter
Environmental Services	Councillor Steve Smith
Neighbourhoods and Housing	Councillor John Leslie Carter
Leisure	Councillor John Procter
Children's Services	Councillor Stewart Golton
Learning	Councillor Richard Harker
Adult Health and Social Care	Councillor Peter Harrand
Leader of the Labour Group	Councillor Keith Wakefield
Leader of the Morley Borough Independent Group	Councillor Robert Finnigan
Advisory Member	Councillor Judith Blake

In cases where Key Decisions to be taken by the Executive Board are not included in the Plan, 5 days notice of the intention to take such decisions will be given by way of the agenda for the Executive Board meeting.

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