

**Name of Scrutiny Chair:**

Chair of Scrutiny Co-ordination Committee – Councillor Fletcher

**Director Approving Submission of the report:**

Chief Executive

**Ward(s) affected:**

All

**Title:**

Houses in Multiple Occupation – Recommendations from Scrutiny Co-ordination Committee

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**Is this a key decision?**

No

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**Executive Summary:**

In March 2013, Scrutiny Co-ordination Committee (SCRUCO) set up a task and finish group to look at options for addressing residents' concerns about Houses in Multiple Occupation (HiMO). This issue was chosen for review work due to an increasing number of complaints received about these properties, particularly from residents in certain areas of the City.

SCRUCO are putting forward the recommendations below for consideration by Cabinet Members. Should Cabinet decide to further investigate these options, it is at this point detailed financial information will be produced.

The appendix contains the full report of the Task and Finish Group.

**Recommendations:**

That Cabinet refers the following recommendations to the relevant Cabinet Members, with oversight provided by Cabinet Member (Housing and Heritage):

- 1) That the Cabinet Member (Business, Enterprise and Employment) investigates further detailed evidence, notably concerning projected costs, before approving the use of an Article 4 Direction to support sustainable, contented and healthy communities as part of the wider housing strategy.
- 2) That the Cabinet Member (Community Safety and Equalities) investigates further establishing 'clearaway' days to manage waste in communities heavily populated by HiMOs, in partnership with the Universities and third sector.
- 3) That the Cabinet Member (Community Safety and Equalities) use existing enforcement powers more effectively to manage issues caused by HiMOs and private rented sector houses, including waste and noise issues.

**List of Appendices included:**

Houses in Multiple Occupation Report for Scrutiny Co-ordination Committee

**Other useful background papers:**

Scrutiny Co-ordination Committee – Houses in Multiple Occupation Report – 20<sup>th</sup> March 2013

<http://democraticservices.coventry.gov.uk/documents/s9684/Houses%20in%20Multiple%20Occupation.pdf>

**Has it been or will it be considered by Scrutiny?**

Yes

Scrutiny Co-ordination Committee – 11<sup>th</sup> September 2013

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

Report title: **Houses in Multiple Occupation – Recommendations from Scrutiny Co-ordination Committee**

**1 Context (or background)**

- 1.1 In March 2013, Scrutiny Co-ordination Committee (SCRUCO) set up a task and finish group, comprising of Councillors Bigham, Blundell, Fletcher, Maton and M. Mutton to look at options for addressing residents concerns about Houses in Multiple Occupation (HiMO). This issue was chosen for review work due to an increasing number of complaints received about these properties, particularly from residents in certain areas of the city. For this reason two representatives from residents associations were co-opted onto the task and finish group to represent the concerns from communities.
- 1.2 HiMO's are officially defined by either a planning (7 bedrooms or more) or licensing definition (three or more storeys (including occupied basements, attics, flats above shops and in converted buildings) AND occupied by five or more people living as two or more households AND includes shared amenities such as kitchens, bathrooms and toilets). However, many of the properties which are causing concern for residents do not fit into these definitions as they consist of 4 to 6 people. These smaller, unregulated HiMO's have been considered to be part of the HiMO's issue by the group, as residents were concerned that the unregulated nature of these properties was causing additional pressures within communities. It is also not obvious from the outside which properties are subject to regulation and which are not.
- 1.3 Consultation took place through an on-line questionnaire, as well as Neighbourhood Forums. Representatives from Coventry and Warwick University provided evidence at task and finish groups as well as a representative from the National Landlords Association.
- 1.4 This report is requesting Cabinet to recommend that the relevant Cabinet Members consider further evidence, particularly the cost benefits of implementation of recommendations 1) and 2), before making a final decision, but that all decisions are made in support of the Council's Housing Strategy.
- 1.5 The full report from the task and finish group can be found in the Appendix.

**2 Options considered and recommended proposal**

**2.1 Article 4 Direction**

- 2.1.1 An Article 4 Direction removes the 'permitted development rights' to switch from houses to smaller HiMOs (between 4 and 6 unrelated people), meaning that planning permission is required. It can be a way for local authorities to manage the distribution of HiMO's. It has already been implemented by a number of towns and cities across England.
- 2.1.2 Its implementation means that no further HiMOs can be created in a given area without applying for planning permission. Each application is judged on its own merits.
- 2.1.3 An Article 4 Direction enables the local authority to gather information about the location of any new small HiMO's and can be used to prevent a particular area from moving beyond the "tipping point" where the saturation level of HiMO's can have a detrimental effect on a neighbourhood. Other Local Authorities have set this tipping point at between 10% and 20%.
- 2.1.4 However there can also be disadvantages to the introduction of an Article 4 Direction. These can include:

- The Direction has to be advertised for at least one year before it is due to come into force, or the Council becomes liable for compensation claims brought by property owners as they have had a 'right' summarily removed. However, as the Direction is advertised a year in advance of coming into force, there is a risk that this could lead to a 'run' on houses in areas of high demand for HiMO's, in advance of the new rules coming into force. In other words it could be counter-productive.
- Additional work pressures for the Planning department for which no fee is payable, as permitted development rights have been removed by the introduction of the Article.
- There have also been examples of Article 4 Direction creating unintended issues for residents as it flags up a problem and makes 'normal' homes in the area less valuable and/or less saleable; and because a restriction creates an incentive for owners of existing HiMO's to retain that status and offers them the opportunity to increase rents in areas where demand increases but supply becomes restricted.

2.1.5 Recommendation 1) to Cabinet is that the Cabinet Member (Business Enterprise and Employment) investigates further detailed evidence, notably concerning projected costs, before approving the use of an Article 4 Direction to support sustainable, contented and healthy communities as part of the wider housing strategy.

## 2.2 **Clearaway days**

2.2.1 In areas with high levels of student accommodation, there are particular issues with rubbish and flytipping during June/July when the properties become empty for the summer and are refreshed for the new academic year. In Leamington and Canterbury, to give two examples, Councils have introduced clearaway days. These are arranged in conjunction with the Universities and the Third Sector, who may be able to reuse some of the 'rubbish' thrown out. Landlords register with the Council for this service, which enables a focussed approach and would give the Council a database of landlords. Although finances will be required to deliver the service, this needs to be weighed up against the cost of ad-hoc visits by teams to collect waste that is dumped in residential streets throughout the summer period.

2.2.2 Recommendation 2 to Cabinet is that the Cabinet Member (Community Safety and Equalities) investigate further establishing 'clearaway' days to manage waste in communities heavily populated by HiMOs, in partnership with the Universities and third sector.

## 2.3 **Enforcement**

2.3.1 There was feedback from the Neighbourhood Forums and the questionnaire that the Council has a number of powers it can use to address problems when they arise, but they are reluctant to use them, for example the issuing of Section 215 notices under the Town and Country Planning Act. Capacity with Planning Enforcement and the Environment and Housing Enforcement Team is limited and the threshold for intervention is therefore set accordingly. However if issues are not raised with the Council, teams remain unaware of issues, and correspondingly, no action is taken.

2.3.2 Recommendation 3 to Cabinet is that the Cabinet Member (Community Safety and Equalities) use existing enforcement powers more effectively to manage issues caused by HiMOs and private rented sector houses, including waste and noise issues.

## **2.4 Private Rented Sector**

- 2.4.1 As the work of the group progressed, and data was gathered from a number of sources, it became clear that many of the issues being raised by residents were not caused exclusively by HiMOs, but were in areas which are particularly densely populated and where there are high levels of rented properties of all types.
- 2.4.2 In the last ten years, the numbers of privately rented properties has increased from 12.6% to 20.6% (census 2011 data), changing the balance of tenure for residents in the city. This change has brought with it concerns about the quality of accommodation being let and the manner in which properties are managed and maintained, and the impact of short-term tenancies.
- 2.4.3 The task and finish group considered this to be an issue impacting residents more than just specifically houses in multiple occupation. Therefore, further investigation of additional and selective licensing will give SCRUCO a solid basis on which to bring forward future recommendations to Cabinet on this issue.
- 2.4.4 The Group recommended that SCRUCO establish a task and finish group to further investigate issues related to the private rented sector, in particular to look at additional and selective licencing, landlords and letting agents.

## **2.5 Reporting**

- 2.5.1 One of the challenges for the group was that the data the Council holds about noise and rubbish complaints did not correlate with the areas where there are high levels of HiMOs and with the feedback from residents. Therefore, the group wanted to encourage residents to report concerns directly to Coventry Direct, so that a more accurate picture can be drawn up. However it must be noted that these issues were not of highest concern to residents who responded to the questionnaire and are more likely to be experienced in areas of high rented sector housing, not necessarily HiMO's.
- 2.5.2 The Group recommended that SCRUCO encourage the public to report issues in their communities to Coventry Direct.

## **3 Results of consultation undertaken**

- 3.1 As part of the data gathering exercise undertaken for the briefing note to Scrutiny Co-ordination Committee on 20<sup>th</sup> March 2013, residents groups and associations were invited to submit evidence and information via ward Councillors.
- 3.2 As the initial concerns about HiMOs had come from local residents, members of Scrutiny Co-ordination felt it important to involve representatives of the community as part of the work. To this ends, two representatives from residents associations, who had submitted evidence, were invited to be co-opted onto the task and finish group.
- 3.3 The task and finish group wanted to further explore the issues that had been raised in the initial call for evidence. To do this, information was gathered from Neighbourhood Forums. Eight Forums discussed the issue as an item on their agenda during the consultation period, between 22<sup>nd</sup> June and 22<sup>nd</sup> July. In addition, a survey was carried out, which was available both on-line and in hard copy. 229 completed questionnaires were received.
- 3.4 The questionnaire asked residents whether HiMOs were a problem in their area and if so, what were the key issues and concerns for them. 70% of the respondents said that HiMOs were a concern or issue in their neighbourhood. 25% said "no" and 5% said "don't know".

- 3.5 There was a fairly even spread across the age ranges of responses to the questionnaire with the highest group aged 35-44 (23%), followed by 55-64 (21%) and 45-54 (20%). The majority of respondents were White<sup>1</sup> (93%) and Female (55%).
- 3.6 There was at least one respondent from each ward across the city. Bablake, Foleshill, Henley, Holbrook and Longford had only one respondent from each. Earlsdon (37%), Whoberley (14%), St. Michael's (12%) and Wainbody (10%) had the highest number of respondents. This would reflect the supporting data that these are the wards which have higher numbers of HIMO's and shared housing.
- 3.7 Of those respondents that reported HiMO's to be a concern or issue, the issue that was reported most as a big problem across all wards was "Parking" (90%), followed by "Poor condition of houses" (84%). The next highest were "Less families living in the area" (82%), "Lots of people moving into and out of the area" (75%) and "High number of "to let" boards" (75%). For the following categories, the highest response category was 'not a very big problem'; "Fly tipping" (33%), "Anti-social behaviour of residents" (37%) and "Increase in crime" (35%).
- 3.8 113 respondents, so nearly half, made additional comments when asked on the questionnaire. The key themes from the comments made were about the transitional nature of short-term lets and the impact that this has on their local neighbourhoods. This issue was also the main concern of the residents associations represented on the task and finish group.
- 3.9 From the neighbourhood forums, the key issues can be summarised as:
- Enforcement issues - 10 comments
  - Loss of community – 3 comments
  - Condition of property/landlord issues – 3 comments
  - Rubbish and bins – 2 comments
  - Overcrowding – 2 comments
  - Parking – 1 comment
  - "To Let" signs – 1 comment
  - Other – 4 comments

More detail on the consultation results can be found in the Appendix on page 17.

#### **4 Timetable for implementing this decision**

- 4.1 Once the recommendations have been agreed by Cabinet, Scrutiny Co-ordination Committee would request a progress report within six months.

#### **5 Comments from the Executive Director, Resources**

##### **5.1 Financial implications**

Costs associated with making an Article 4 Direction can be divided into three categories: up-front costs of preparation; compensation; and on-going costs of implementation and monitoring.

##### **Up-Front Costs**

These are expected to be relatively minimal, including unavoidable costs such as printing, postage, and advertisements, plus normal operational costs such as staff time. Whilst no specific budget exists, it should be possible to fund from existing resources.

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<sup>1</sup> White – British, White – Irish, White – Gypsy/Irish Traveller, White - other

## Compensation

Following formal approval to make an Article 4 Direction, this either triggers a twelve month 'notice period' that the Direction will come into effect in one year, or if the Direction comes into immediate effect it triggers a 'compensation period'. In the case of the latter, because an existing 'right' is being taken away, the Council could become liable for claims for one-off compensation from property owners who can demonstrate that they intended to benefit from the 'right' that has been removed. It is not possible to estimate accurately either the number of claims or compensation values, however, it could be substantial as it is theoretically unlimited.

## On-going Administration Costs

This includes monitoring and implementation. Implementation is primarily the determination of applications for change of use from a dwelling/house to a HiMO, which previously would not have been required. This is additional workload for the planning service which, dependent on the number of applications, could be a significant pressure on staff resources. Because the 'right' that currently exists to make that change without the need for permission currently exists, and would be removed by the Direction, these applications would attract no fee.

There will also be a cost associated with establishing "clearaway days". The cost of this will need to be assessed against the savings made from reduced "ad hoc" clearance of on-street rubbish at the end of the academic year.

If these recommendations are accepted further consideration would be needed to assess the detailed financial implications.

## 5.2 Legal implications

An Article 4 Direction under the General permitted development Order 1995 is a special planning regulation adopted by a Local Planning Authority to provide additional powers of planning control in a particular location. It operates by removing "Permitted Development" rights over certain specified classes of minor alterations and extensions, such as porches, replacement of windows and doors and painting of the exterior of a building. Usually these Directions only relate to those facades of the building facing onto a street or public footpath or open space, but sometimes they cover alterations and extensions at the rear or developments such as sheds in back gardens. Article 4 are normally used in those exceptional circumstance where the exercise of permitted development rights would harm the local amenity, the historic environment or the proper planning of the area

The Housing Act 2004 sets out the requirements for the licensing and management of HiMOs. Failure to license an HiMO as required by statute and/or to manage an HiMO in accordance with the Management Regulations is a criminal offence. The legislation enables local authorities to introduce additional licensing requirements for HiMOs, which do not currently require a licence. Before introducing such additional requirements, the Council will need to demonstrate that it has considered other options available to it and also consult those likely to be affected by the additional requirements

## 6 Other implications

### 6.1 **How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The recommendations contribute to the Council Plan under the headings of

- Jobs and growth – by the provision of housing to meet the needs of residents.

- Better streets and pavements – by ensuring the City’s streets are cleaner and there will be less fly-tipping.
- Celebrate all that’s good about our city and its future – by Coventry being a welcoming city where diversity and cohesion is celebrated and valued.

## 6.2 How is risk being managed?

6.2.1 The biggest risk is around the management of the expectations of local communities as to what can be done to address concerns. As mentioned above, an Article 4 Direction, if applied to the City, may not on its own provide the outcomes hoped for.

6.2.2 If there is an increase in residents reporting concerns, there may be pressure on resources to address these problems.

## 6.3 What is the impact on the organisation?

If Cabinet decide to consider further the implementation of an Article 4 Direction, the pros, cons and financial implications will need to be carefully considered by the Cabinet Member ( Business, Enterprise and Employment).

The impact on the organisation of establishing “clearaway” days would also have to be assessed in the context of the associated costs and the anticipated savings.

The enforcement capacity within Planning Enforcement and the Environment and Housing Enforcement Service has been reduced in recent years. Increased customer expectations and subsequent reporting of issues, through Coventry Direct, is likely to impact on these services. The expectation of customers will need to be managed in a clear and transparent manner. However, improved intelligence on the level and location of issues will help the Council plan its use of resources better.

## 6.4 Equalities / EIA

The Council has a role in ensuring a good mix of housing in the city to meet the needs of different communities. HiMO’s serve those residents on low incomes and young professionals as well as students. With the changes to the benefits system there is also likely to be more demand for shared housing by the under 35’s who receive housing benefits. Ensuring a good mix of housing tenure will advance equality of opportunity and foster good relations between people.

The recommendations will also encourage people to be good neighbours in terms of, for example, rubbish collection and noise. This will limit some of the negative effects HiMO’s can have if not managed well.

It should be noted by the Cabinet Members that the areas of the City with highest numbers of shared housing also have higher numbers of BME residents than the city as a whole. Also, a higher proportion of people from BME communities live in private rented housing compared to people of White British ethnicity.

This is not a causal relationship but the impact of any policy that affects these areas should be assessed for the impact on this protected group.

## 6.5 Implications for (or impact on) the environment

The proposals should have a positive impact on the streetscene in those areas affected by inappropriately managed household rubbish.



## **6.6 Implications for partner organisations?**

By working closely with partner organisations such as residents groups and the two universities, interested parties have had an opportunity to have an input into the discussion about the issues.

The universities undertake work to highlight the positive affect students have on the city, encourage them to become active members of the community and minimise the perceived or real, negative affect their students can have on an area.

Residents groups have welcomed the Council listening to them and taking their concerns seriously and publicising the council's visible action about these concerns. The recommendations should go some way to addressing the original concerns raised about HiMO's.

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## Appendix – Report of the Scrutiny Co-ordination Committee Task and Finish Group on Houses in Multiple Occupation

### Foreword by the Chair of the Task and Finish Group – Councillor Linda Bigham

At the SCRUCO meeting on 20th March 2013, the Committee received a report into Houses in Multiple Occupation (HiMO's), which they had requested due to increased public interest in the issue. Residents in some areas of the city had increasingly been raising concerns over HiMO's, including issues such as anti-social behaviour, noise, rubbish, parking and housing quality.

Following this initial report, SCRUCO agreed to set up a task and finish group to look into the issue in more depth and to consult with the people of Coventry on their views on HiMO's. This report summarises the findings of the Group and recognises that, whilst HiMO's are an issue, they are part of the wider problem caused by an increase in the Private Rented Sector (PRS) as part of the housing solution. There is real concern highlighted by residents that the sustainability of their communities is at risk due to this change in tenure.

We must extend our thanks to the three resident association representatives who were co-opted onto the task and finish group; George Moore (Gosford Park Residents Association), Kevin Noble (North Earlsdon Neighbourhood Association) and Mike Torbe (South Earlsdon Neighbours Association).

Finally, thanks must also go to Chris Morgan and Obi Okwuadigbe (Coventry University), Trevor Seeley (Warwick University) and Gavin Dick (National Landlords Association) for providing evidence at the meetings of the group.

Councillor Linda Bigham



## 1 Introduction

- 1.1 Following a decision by SCRUCO to set up a task and finish group to look at HiMO's, the Group looked at data to gain a view as to the numbers and locations of HiMO's and to identify what powers the local authority already has, and could have, to help address some of these concerns.
- 1.2 Data was gathered from a variety of sources, including the National Census and officers from a number of Council teams including Public Safety and Housing, Planning and Community Safety, have been involved in this work. Information was also gathered on enforcement powers available through both public protection and planning legislation for local authorities.

## 2 National and Local Context

- 2.1 The UK is in the midst of a housing crisis. There are few affordable properties available to buy and the numbers of new mortgages approved, especially for first time buyers, is low. However, the number of buy-to-let mortgage loans approved in 2012 reached its highest level since 2008 as record rent prices encourage landlords to expand their property portfolios. This means that those who would have traditionally bought their own property are being forced to stay in rented accommodation for longer than they might like and in some cases, are in shared properties as this makes the rent more affordable. In addition, welfare changes could increase demand for private rented sector and shared accommodation for single, under 35s.
- 2.2 Table 1 demonstrates how tenure has changed significantly in Coventry between 2001 and 2011, with the proportion of people living in private rented accommodation having increased significantly.
- 2.3 Table 1:

Census Data showing Housing Tenure	Coventry 2001 %	Coventry 2011 %	Change %
Owned: Owned outright	30.4	29.3	-1.1
Owned: Owned with a mortgage or loan	38.2	31.3	-6.9
Shared ownership (part owned and part rented)	0.7	0.6	-0.1
Social rented: Rented from council (Local Authority)	8.3	5.4	-2.9
Social rented: Other	9.9	11.6	1.7
<b>Private rented: Private landlord or letting agency</b>	<b>8.7</b>	<b>19.0</b>	<b>10.3</b>
Private rented: Other	3.9	1.6	-2.3
Living rent free	n/a	1.2	-

- 2.4 There is also a perception that some of those HiMO's which create problems are occupied by students. However, it is important to recognise that there are many types of occupants in HiMO's and rented accommodation. Many of the issues being raised by residents were not caused exclusively by HiMOs, but were in areas which are particularly densely populated and where there are high levels of rented properties of all types. However there were some issues from student housing which impact on neighbourhoods, for example when properties are empty during vacations and large amounts of rubbish at the end of the academic year.

- 2.5 There has been an increase in student numbers, particularly in the last 5 years, but student presence in an area can be a positive and many students do undertake roles which help to support the local community. Economically, the student contribution to the City is important. It was estimated by a Centre for Cities study, that undergraduate students, in 2008 in Coventry, contributed £432,321,120 to the local economy.
- 2.6 Alongside this increase in student numbers, there has also been an increase in purpose built student accommodation. Since 2006, there have been 1,685 bed spaces built and a further 2,559 have been granted planning permission.

### 3 Definitions of HiMO

3.1 Table 2. There are different definitions of HiMO.

Type of HiMO	Definition	City Council Department Responsible
A HiMO which requires a Mandatory License	Three or more storeys (including occupied basements, attics, flats above shops and in converted buildings) AND occupied by five or more people living as two or more households AND includes shared amenities such as kitchens, bathrooms and toilets.	Environment and Housing Enforcement
Large houses in multiple occupation	Defined as 7 or more bedrooms and requires planning permission.	Planning

3.2 Smaller shared houses that do not fall into the categories above do not need any planning permission or a license. However, discussions with the task and finish group have included all 'smaller' HiMO's, or shared houses, which are often traditional 3 bedroom homes which have been adapted to house 4 or 5 people. It is often not possible to determine, nor relevant to communities, which category these properties fall into.

### 4 Data

- 4.1 A number of different statistics are used as measures of where the HiMO's are concentrated in the city. Three of the statistics are sourced from the Census 2011 by the Office for National Statistics; a fourth is taken from Council Tax records of Coventry City Council showing the location of the households that have a Council Tax exemption because all occupants are students.
- 4.2 3% of all households in the city are exempt from paying Council Tax because of the student status of the occupants, a total of 3,928 properties. These households are quite concentrated in certain areas of the city; over 3,000 of them (over three quarters) are located in the ten areas with the highest numbers. The area in Coventry with the highest number of these households is the City Centre; in this area 19% of all households are exempt from paying Council Tax because of their student status (these figures do not include student halls of residence).
- 4.3 The accommodation based on Warwick University campus is classified differently and exemption certificates are not required for halls of residences.
- 4.4 On Census day 2011 there were a total of 6,780 multi-person households (: All full-time students or a 'Multi-person household: Other') in Coventry (the count depended on how the Census respondent defined their household), making up 5% of all households in the city. 4,013 of these were concentrated in the ten areas with the highest concentrations of such households. In the local area with the highest count of 'multi-person households',

Charterhouse, such households made up nearly a quarter of all households. (Source: Census 2011 Quick Statistic 116ew, Office for National Statistics)

- 4.5 According to the respondents to the Census 2011 (Census 2011 Key Statistic 401ew), there are only 192 shared dwellings in Coventry; more than half of which are concentrated in two areas – Radford & Canal Basin and the City Centre.
- 4.6 Overall, there are 6 local areas that appear in the top 10 for all of these measures above. These are Charterhouse, the City Centre, Earlsdon-Chapelfields, Hillfields, Radford & Canal Basin and South Foleshill & Paradise. These areas are all fairly centrally located in the city. Therefore these areas have been regarded as those to be most affected by HiMO's
- 4.7 School in-year transfers
- 4.8 The task and finish group wanted to know whether schools, particularly primary schools experienced a high turn-over of pupils due to short-term tenancies and high turnover of population.
- 4.9 Analysis was done on those schools with high numbers of in-year transfers and those schools in areas of high numbers of HiMO's. Although there was a slight correlation between those schools - from the 10 schools with the highest number of in-year transfers, 7 are in areas with high numbers of HiMO's - it was not possible to identify the reason for the transfers and therefore not possible to attribute a cause and effect relationship.
- 4.10 The group also wanted to test out whether communities with higher numbers of HiMO's were experiencing a drop in numbers of children, however there was no evidence of this from schools admissions that those primary schools in areas of high numbers of HiMO's have surplus places.

## **5 Existing Local Authority Powers**

### **5.1 Planning Team**

- *Planning Permission* - Planning can grant or refuse planning permission for the building of HiMO's with 7 or more bedrooms.
- *Section 215 notices* - where the condition of land is adversely affecting the amenity of the area, the Local Planning Authority may serve a notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land. The Section 215 Notice will specify the steps that the Authority requires to be taken in order to remedy the condition of the land. The Council does currently issue Section 215 notices when appropriate.
- *An Article 4 Direction* would enable Planners to limit the number of HiMO's in a given area. This would likely be for properties of 4, 5 and 6 bedrooms. However, the regulation needs to be advertised for 12 months before introduction and will only apply to new planning applications. The article cannot be applied retrospectively. This Article has been applied by a number of Councils, including Oxford City Council and Warwick District Council.

### **5.2 Public Safety (Environment & Housing Enforcement and Community Safety)**

- *HiMO Management Orders (for 5 or more bedrooms)* - in certain circumstances the council is able to step into the shoes of the landlord and take over the management of the HiMO through Interim and Final Management Orders. Where a HiMO is required to

be licensed and there is no prospect of it being licensed or where the conditions within the HiMO are such that the health and safety risk to the occupiers is unacceptable, the council is required to make an Interim Management Order. The Council can use the rent from tenants to carry out repairs and any surplus will be returned to the landlord when the management order ends.

- *Prevention of Damage by Pests Act 1949* – to compel the owner to remove anything that is likely to cause harbourage of rodents
- *Environment Protection Act 1990* - to abate anything that is either causing or likely to cause a statutory nuisance or is prejudicial to health. A notice can be served on the owner or tenant to resolve this matter.
- *Noise* - The Council can respond to and investigate complaints of noise nuisance arising from domestic and commercial premises under the Environmental Protection Act 1990. Formal action is only possible where officers witness noise that they consider to be a statutory nuisance. To be a statutory nuisance the noise must be causing serious disruption to everyday activities such as watching television or sleeping. There must also be proof that the noise is a regular occurrence, for this reason one off events are unlikely to be a statutory nuisance. Upon witnessing a statutory noise nuisance it is the Council's normal policy to first issue the perpetrator with a warning letter. If the noise persists and officers witness a statutory nuisance again, generally within 4 weeks of the first nuisance, then the offender will be served with a noise abatement notice which legally requires the offender to stop causing a nuisance. If the notice is not complied with and officers witness further nuisance on more than one occasion, the Council will seek to prosecute the offender.
- *Anti-Social Behaviour* - The wide definition of anti-social behaviour means that the action taken as a result of a report of anti-social behaviour can range from surveillance and warning letters to a clean-up and additional youth activities. In general, if the offenders are known, the response will include an element of the following:
  - *Warning Letters* - are sent to advise perpetrators or parents / guardians when there recorded incidents of anti-social behaviour. The letter advises that failure to stop the anti-social behaviour will result in legal action.
  - *Joint Visits* - Joint visits are carried out by the City Council, Police Officers, Housing Associations and other partnership agencies. Individuals causing problems are advised of the legal actions, which are being considered and that evidence gathering has begun.
  - *Acceptable Behaviour Contracts (ABC)* - An ABC is a written agreement between an individual who has been involved in anti-social behaviour and agencies such as the City Council, Housing Associations and the Police. The contract specifies a list of acts that the individual has been involved in and which they agree not to continue. Failure to comply to an ABC may lead to legal action.
  - *Anti-Social Behaviour Orders (ASBO)* – ASBO's can be issued against persistent offenders and, in order to protect the community from their behaviour places restrictions on their behaviour - like banning them from an area, from association with other named individuals or gathering in a group. It is a criminal offence to breach an ASBO and a breach of the order can lead to imprisonment.

### 5.3 Strategic Built Environment Group

5.4 A multi-directorate group has been established to encourage cross directorate working by the various regulatory services in the council in resolving the problems associated with specific properties and parcels of land within the City. The group will deal with complex cases which require clear strategic leadership. The Assistant Director for Public Safety & Safeguarding Adults chairs this group and is charged with finding solutions and identifying resources to solving the specific issues, or where there is no clear or easily attainable solution, mitigating the resultant damage or nuisance.

5.5 The role of this group is to:

- To provide direction and resolve the problems emanating from properties, businesses or parcels of land within the City, which are currently or have the potential to result in either risks to the public, damage or degradation to important buildings, environmental damage, or cause crime/anti-social behaviour.
- To ensure Council resources are prioritised and targeted to those areas presenting the most problems and risk.
- To promote collaboration, partnership working as a way of maximising value for money in service delivery.
- To maintain cross-directorate ownership and challenge to ensure that issues are resolved in a timely manner.
- To minimise or negate adverse publicity to the city council from any of the above mentioned issues.
- To provide a conduit for disseminating key messages and information throughout the council's regulatory services.
- To promote consistency in regulatory activity within the council.

5.6 The group has been established since April and meets on a regular basis. It is expected that performance of this group will be monitored by Scruco and an initial report is due at their meeting on 6th November 2013.

## 6 **Consultation**

### 6.1 Methodology

6.2 An on-line survey was developed to gauge public opinion on areas of concern about issues associated with Houses in Multiple Occupation. The survey was open for a month between 22<sup>nd</sup> June and 22<sup>nd</sup> July. Respondents could complete the survey on-line or on hard copy distributed through neighbourhood forums. Open question feedback was also gathered from Neighbourhood Forums.

### 6.3 Responses

6.4 In total there were 229 responses either on-line or completed as hard copies. Of these, 96%<sup>2</sup> (213) responded as an individual. Those responding on behalf of an organisation were mainly residents groups, but Whoberley Councillors responded, as well as a provider of bespoke student accommodation.

6.5 There was a fairly even spread across the age ranges of responses with the highest group aged 35-44 (23%), followed by 55-64 (21%) and 45-54 (20%). The majority of respondents were White<sup>3</sup> (93%) and Female (55%).

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<sup>2</sup> Percentages have been rounded to the nearest whole number

<sup>3</sup> White – British, White – Irish, White – Gypsy/Irish Traveller, White - other



- 6.6 There was at least one respondent from each ward across the city. Bablake, Foleshill, Henley, Holbrook and Longford had only one respondent from each. Earlsdon (37%), Whoberley (14%), St. Michael's (12%) and Wainbody (10%) had the highest number of respondents. This would reflect the supporting data that these are the wards which have higher numbers of HiMO's.
- 6.7 Extent of the concern or issue
- 6.8 70% of the respondents said that HiMO's were a concern or issue in their neighbourhood. 25% said "no" and 5% said "don't know".
- 6.9 Those single respondents from Foleshill, Henley and Holbrook did not consider HiMO's to be a concern in their area. In Radford, Sherbourne, Westwood and Wyken wards there was a higher proportion of respondents that considered HiMO's not to be an issue or concern or they didn't know.
- 6.10 If those 6 wards with a highest response rates the proportion of respondents who considered HiMO's to be a concern or issue were Whoberley (94%), St Michael's (93%), Wainbody (86%), Lower Stoke (79%), Earlsdon (65%) and Sherbourne (46%). Again, those wards which have the higher levels of concern are those areas which the data suggests has the higher numbers of HiMO's.
- 6.11 Specific issues
- 6.12 Of those respondents that reported HiMO's to be a concern or issue, the issue that was reported as a big problem<sup>4</sup> across all wards was "Parking" (90%), followed by "Poor condition of houses" (84%). The next highest were "Less families living in the area" (82%), "Lots of people moving into and out of the area" (75%) and "High number of "to let" boards" (75%).
- 6.13 For "Fly tipping" (33%), "Anti-social behaviour of residents" (37%) and "Increase in crime" (35%) the highest response was "Not a very big problem".
- 6.14 Additional Comments
- 6.15 113 respondents made additional comments. The key themes that were coming from the comments were about the transitional nature of short-term lets and the impact that this has on their local neighbourhoods.
- "The whole nature of the neighbourhood has been changed. The people who move in on a short term basis have no ties or interest in the neighbourhood and consequently take no pride in their immediate surroundings."*
- "The loss of community has been felt as an alarming number of homes have changed from being family homes to becoming student/multi share homes. This has resulted in a less cohesive place to live"*
- 6.16 There were also numerous comments about the condition of properties and negligent landlords.
- "Many landlords are responsible but some are not. They treat tenants badly and do not maintain their properties to a reasonable standard. The City Council has a responsibility to safeguard tenants and protect the city housing stock. Some form of regulation and licensing is needed"*
- "Generally they are let with the sole consideration of maximising letting income. There appears to be no concern for the neighbourhood or the house itself. This has*

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<sup>4</sup> "A very big problem" plus "A fairly big problem"

*a detrimental effect on the surrounding area and causes a domino effect which increases the numbers of HMOs and further worsens the issues above.”*

6.17 Issues about bins being left out were also fairly frequent.

*“No one seems responsible for the upkeep of the properties, gardens extremely untidy wheelie bins left out permanently, making it difficult to pass on the pavement without stepping out on to the road”*

6.18 There were also several comments, supportive or in defence of HiMO's.

*“Does not seem to be a problem in the area as described. It would also be unwise for Coventry to limit its student population, who bring in a great deal of money to the city.”*

*“I think they're an important means of providing housing and accommodation for those who are unable to afford to own or rent single properties. Housing is a right; we have an obligation to continue to support individuals who require multiple occupation houses.”*

*“I have no objection to students, or others, renting house in the area I live in, but there is a limit and the city council must be more aware than it is of this issue. I would like to see proper and published policies on this and a willingness to enforce that I'm afraid is not always visible from the council.”*

6.19 The main general concern was the affect that large numbers of HiMO's in an area has on community cohesion; such as term-time only residents, short-term tenancies, a reduction in families in the area and high turn-over of residents which can lead to a lack of a sense of community.

6.20 The main issues raised at Neighbourhood Forums were one of enforcement. From the neighbourhood forums, the frequency of issues raised can be summarised as:

- Enforcement issues - 10 comments
- Community – 3 comments
- Condition of property/landlord issues – 3 comments
- Rubbish and bins – 2 comments
- Overcrowding – 2 comments
- Parking – 1 comment
- “To Let” signs – 1 comment
- Other – 4 comments

## **7 Recommendations**

Having considered the evidence, the task and finish group put forward the following recommendations to SCRUCO and Cabinet for consideration

That Scrutiny Co-ordination Committee

- a) Establish a task and finish group to further investigate issues related to the private rented sector, in particular to look at additional and selective licencing, landlords and letting agents.
- b) Encourage the public to report issues in their communities to Coventry Direct.
- c) Asks Cabinet to accept the recommendations below.

That Cabinet refers the following recommendations to the relevant Cabinet Members, with oversight provided by Cabinet Member (Housing and Heritage)

- 1) That the Cabinet Member (Business, Enterprise and Employment) investigates further, detailed evidence, notably concerning projected costs, before approving the use of an Article 4 Direction to support sustainable, contented and healthy communities as part of the wider housing strategy.

- 2) That the Cabinet Member (Community Safety and Equalities) investigates further establishing 'clearaway' days to manage waste in communities heavily populated by HiMOs, in partnership with the Universities and third sector.
- 3) That the Cabinet Member (Community Safety and Equalities) use existing enforcement powers more effectively to manage issues caused by HiMOs and private rented sector houses, including waste and noise issues.