



To: Scrutiny Co-ordination Committee

Date: 20th March 2013

Subject: Houses in Multiple Occupation

1 Purpose of the Note

- 1.1 To clarify the current position in Coventry on Houses in Multiple Occupation (HIMO's), using the latest data.
- 1.2 To identify current and potential powers held by the local authority to address some of the concerns that have been raised about Houses in Multiple Occupation.

2 Recommendations

- 2.1 Scrutiny Co-ordination Committee is recommended to:
 - 1) Note the content of the report
 - 2) Identify recommendations to address the issues raised in the report and in discussion at today's meeting.

3 Information Section

3.1 Background

- 3.1.1 Over the last six months residents in some areas of the city have increasingly been raising concerns they have over Houses in Multiple Occupation (HIMO's). These issues have included anti-social behaviour, noise, rubbish, parking and housing quality.
- 3.1.2 The Chair of Planning Committee, Councillor Maton, requested that Scrutiny Co-ordination Committee looked at these issues in detail. Specifically that the Board looks 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.
- 3.1.3 Officers gathered data from a variety of sources, including the Census and have consulted with officers from a number of Council teams including Public Safety and Housing, Planning and Community Safety. Information was also gathered on enforcement powers available through both public protection and planning legislation for local authorities.

3.2 National and Local Context

- 3.2.1 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 that could increase demand for private rented sector and possibly shared accommodation.

3.2.2 Table 1 (over) demonstrates how tenure has changed significantly in Coventry between the 2001 and 2011 Census, with the proportion of people living in private rented accommodation having increased significantly.

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
Private rented: Private landlord or letting agency	8.7	19.0	10.3
Private rented: Other	3.9	1.6	-2.3
Living rent free	n/a	1.2	-

3.2.3 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 occupant in HIMO's and rented accommodation. These concerns relate both to the issues raised in 3.1.1 and impact on neighbourhoods, for example when properties are empty during vacations.

3.2.4 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.

3.2.5 Alongside this increase in student numbers, there has also been an increase in purpose built student accommodation. Since 2006, there have been 1,137 bed spaces built and a further 3,354 have been granted planning permission.

3.3 Definitions of HIMO

3.3.1 There are different definitions of HIMO.

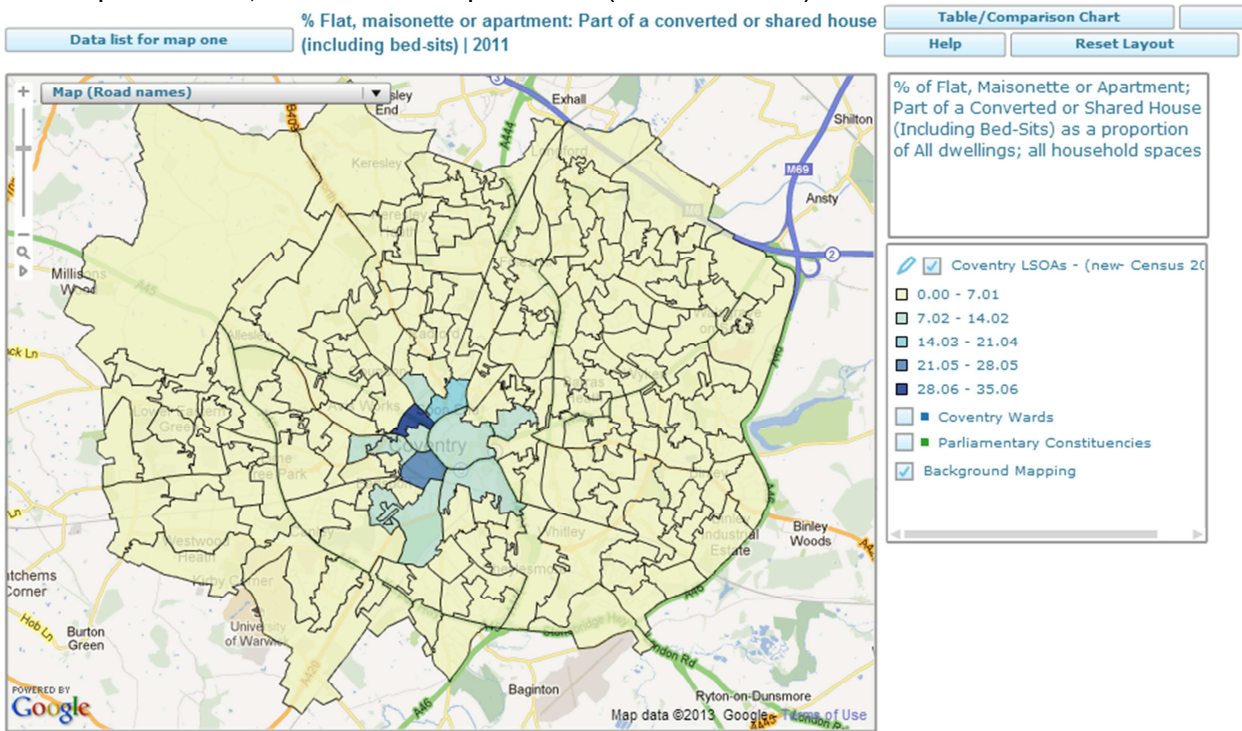
Type of HIMO	Definition	City Council Department Responsible
A HIMO which requires a Mandatory License	Three or more storeys (including occupied basements, attics, flats above shops and in converted buildings) AND occupied by five or more people living as two or more households AND includes shared amenities 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

3.3.2 Smaller shared houses that do not fall into the categories above do not need any planning permission or license.

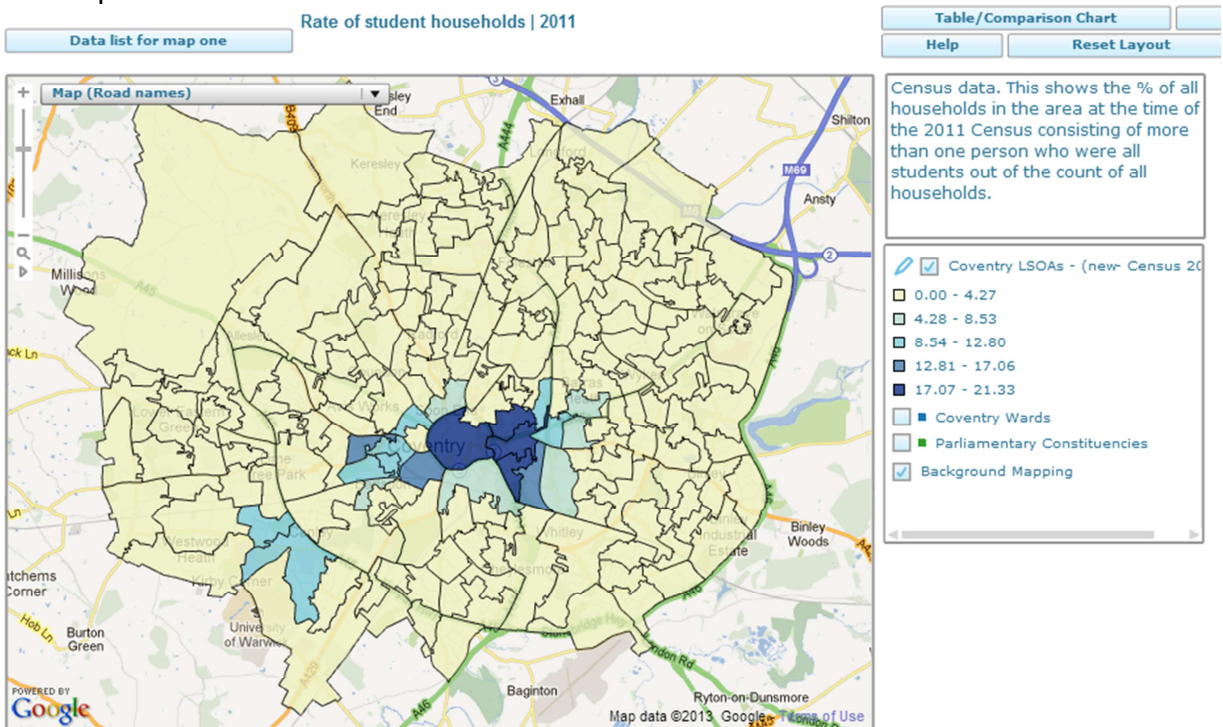
4 What the data is telling us

4.1 Using a number of data sets, it has been possible to compare the locations of student houses and shared houses against reported incidences of fly-tipping, noise complaints and domestic refuse reports. From this the correlation, or r-score, can be calculated where 1 is fully correlated 0 is completely random. An r-score of over 0.6 would suggest there is a strong correlation between the two, however this does not mean that there is necessarily a causal link, in that one does not necessarily cause the other.

4.2 Map 1 - % Flat, Maisonette or apartments (Shared House)

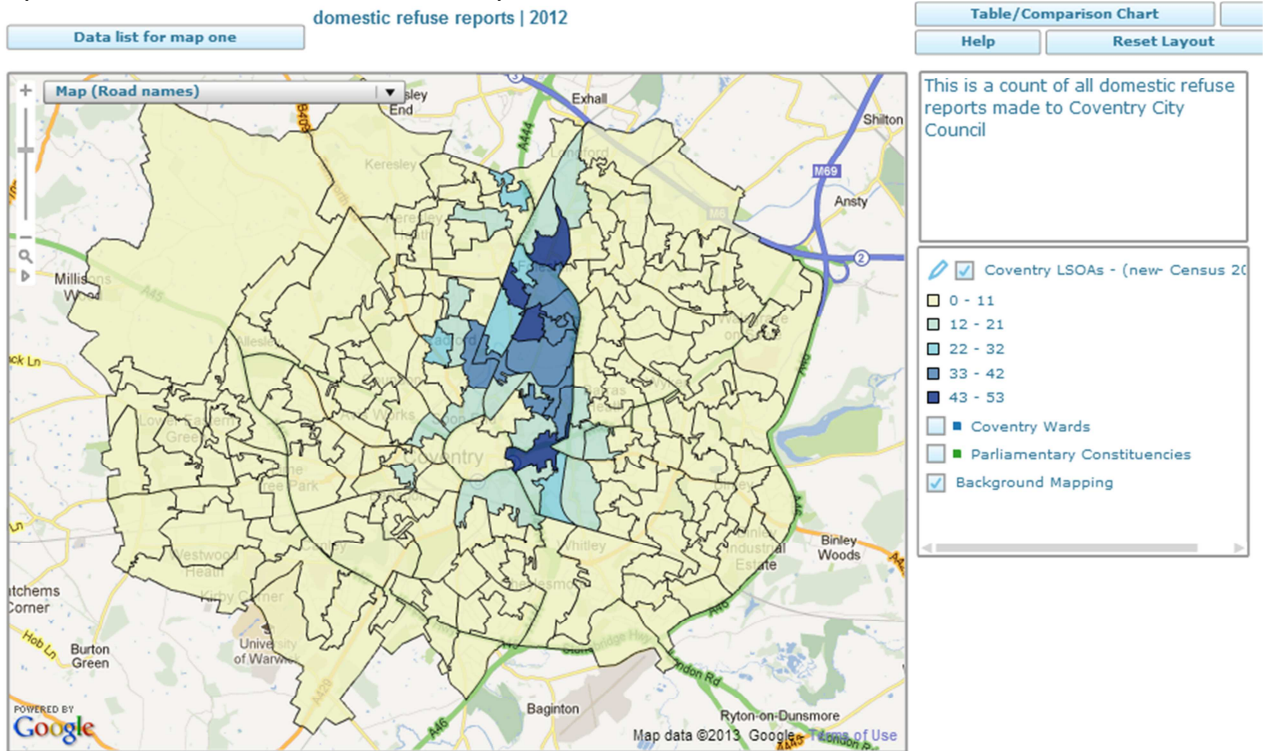


4.3 Map 2 – Rate of student households



4.4 Correlation between domestic refuse reports and shared and student housing

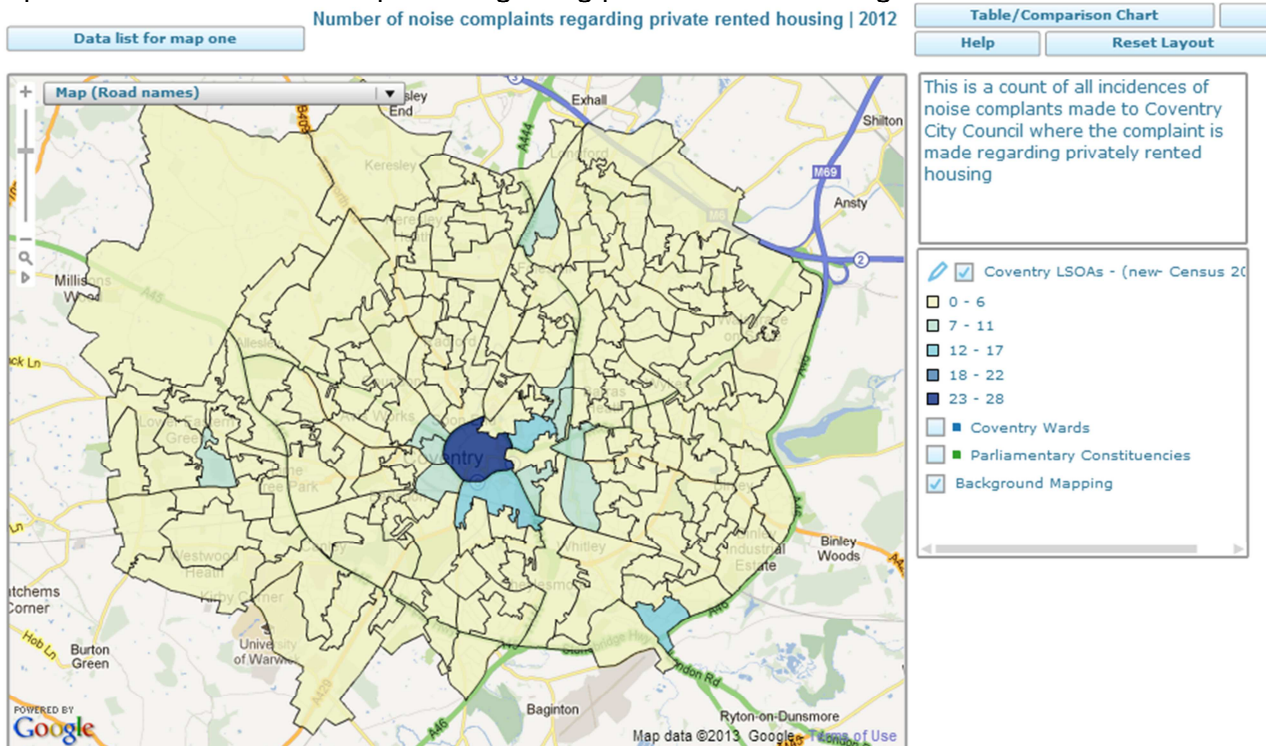
4.4.1 Map 3 – locations of domestic refuse reports



4.4.2 There is very little correlation between either housing type and domestic refuse reports received by the Council. The r-scores are $r=0.21$ for shared housing and $r=0.3$ for student housing. For example, there are 12 Lower Super Output Area's (LSOA's) where reports are over 30 and student homes are less than 4%.

4.5 Correlation between noise complaints and shared and student housing

4.5.1 Map 4 – Number of noise complaints regarding private rented housing 2012

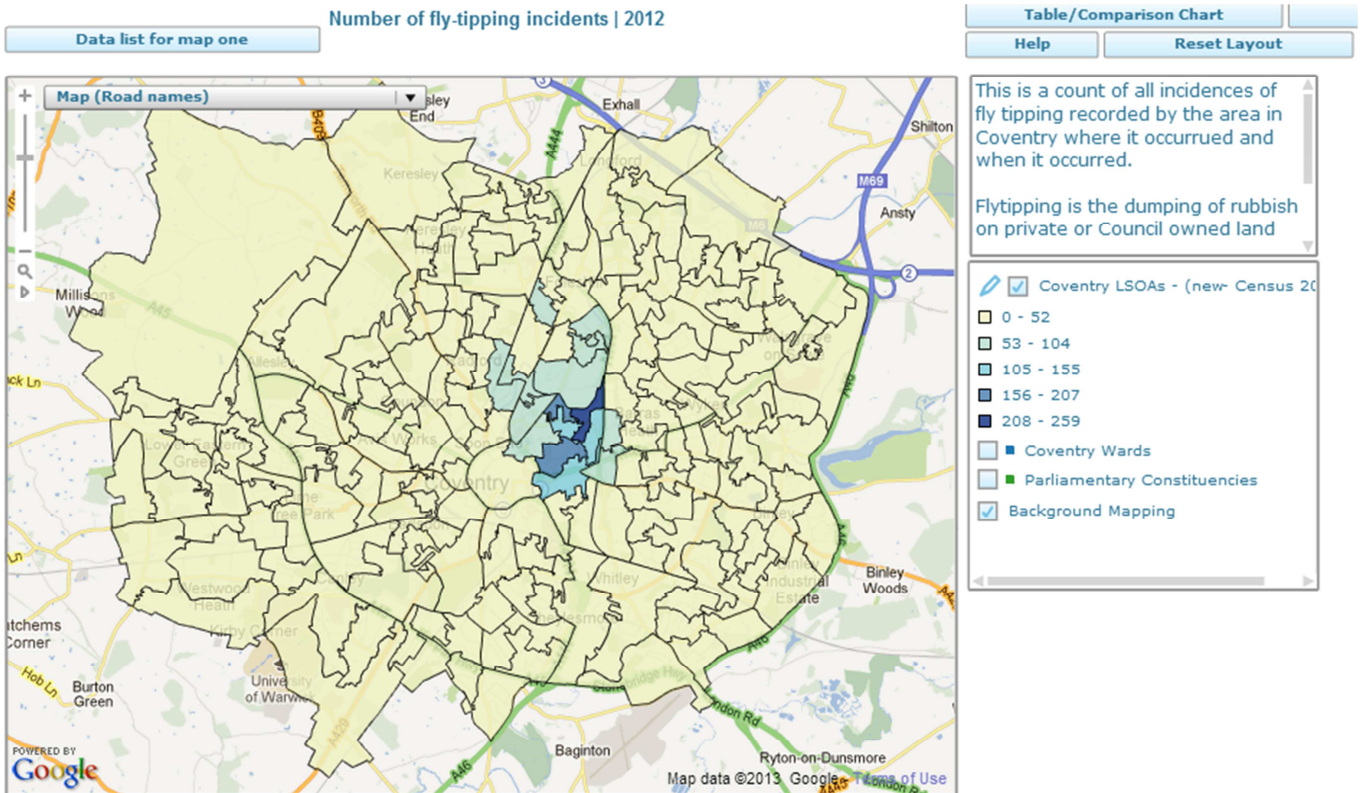


4.5.2 The correlation with noise complaints is stronger, although not completely correlated. For shared houses it is $r=0.45$ and for student areas $r=0.61$. The area with the most noise complaints, as would be expected, is the city centre.

4.5.3 The number of late night establishments and the concentration of the night time economy in the City Centre, could explain the higher number of noise complaints in this location.

4.6 Correlation between fly tipping and shared and student housing

4.6.1 Map 5 – Number of Fly-tipping incidents 2012

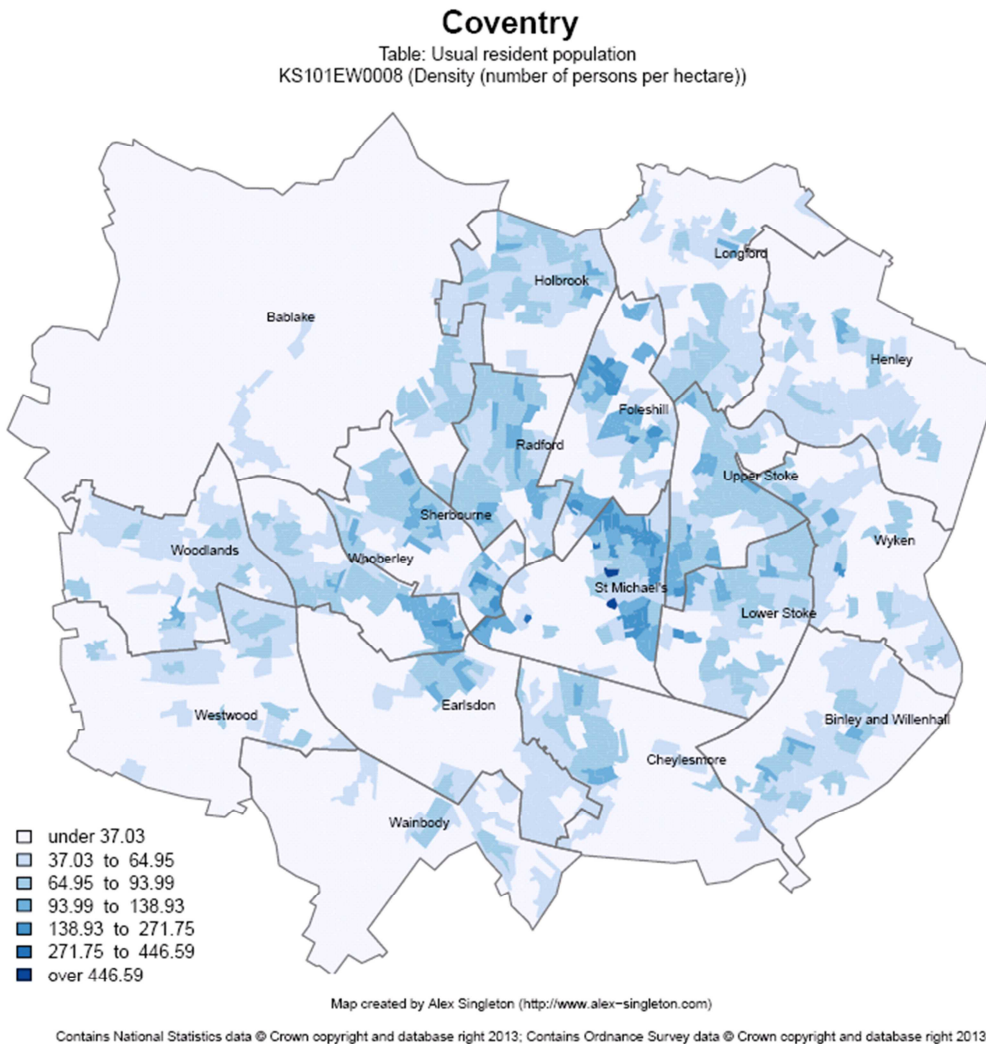


4.6.2 The correlation here with both types of housing is once again weak at $r=0.24$ and $r=0.37$ respectively.

Population density

4.6.3 A stronger correlation, than both shared and student accommodation, can be shown between housing density and incidents of both fly tipping ($r=0.47$) and domestic refuse reports ($r=0.41$). However these are still not strong correlations. Housing density from the 2011 census can be seen on Map 6 below.

4.6.4 Map 6 – Coventry population density – number of persons per hectare



4.6.5 However, it may be that problems are underreported to the Council, and there is more of a link than the data demonstrates. Residents should be encouraged to report problems to Coventry Direct on 0500 834 333

5 Local Authority powers

5.1 Planning Team

- 5.1.1 Planning can grant or refuse, planning permission for the building of HIMO's with 7 or more bedrooms.
- 5.1.2 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.
- 5.1.3 An Article 4 regulation 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 Environment and Housing Enforcement

- 5.2.1 **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.
- 5.2.2 **Prevention of Damage by Pests Act 1949** – to remove anything that is likely to cause harbourage of rodents
- 5.2.3 **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 is served on the Landlord to resolve it.
- 5.2.4 **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.
- 5.2.5 **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) - ASBOs 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.

6 Other concerns which have been raised

- 6.1 Parking -Often houses where there are multiple occupants may have several cars. This can put pressure on parking space in the local area. This can be exacerbated by the fact that shared houses tend to be in the areas of the city which rely on on-street parking. Coventry City Council has created a number of Residents' Parking Schemes. These schemes are designed to protect on-street parking spaces outside people's houses, in areas where parking facilities are limited, and problems are caused as a result of parking by commuters and shoppers. Leicestershire County Council, who administer a scheme in Loughborough, for example, charge £40 per permit annually with only two permits per household issued (although there is a £10 discount if your car is a low emission vehicle). Warwick University strongly encourage the use of public transport to get onto the campus and discouraged driving by charging for parking.
- 6.2 Lettings Boards/Signs – In areas where there are many privately rented properties, not just HIMO's or smaller shared houses, there can be an abundance of To Let signs in front gardens which can have a detrimental affect on the look of a neighbourhood. Newcastle City Council last month approved a request to the Secretary of State for permission to ban the display of letting boards under the 2007 Town and Country Planning Control of Advertisements Regulation. Currently estate agents and landlords are allowed to put up boards advertising properties providing they meet certain conditions. If conditions are not met, enforcement action can be taken to remove boards from streets, however this can be time consuming. At Nottingham Council and Westminster Council they have applied for a 'Regulation 7 Direction' of the Town and County Planning (Control of Advertisements) Regulations 1992 to be used to control the display of such estate agents boards and to prevent the build-up of visual clutter.
- 6.3 Delegated Powers – Although Coventry City Council uses Section 215 powers, they are not currently delegated. This means that to enact them, officers need to report to the Chair of Planning Committee. In other local authorities, power is delegated to officers, up to a certain point. It has been suggested that the delegation of powers to appropriate Heads of Service in both Planning and Public Safety and Housing, would increase the use of this particular statute.
- 6.4 Selective Licensing - There is also an option to consider a selective licensing scheme. Selective Licensing is a regulatory tool provided by Section 80 of the Housing Act 2004 and allows local housing authorities to designate areas suffering from either significant

and persistent anti-social behaviour and/or low housing demand for selective licensing; a designation can only be in force in a designated area for a maximum of 5 years. It has to be an area of low demand for properties due to the location or have high levels of ASB. Landlords will require a licence for any properties that they rent out within a designated area and the licence will contain a series of conditions that the licence holder will be required to comply with. These conditions relate to the management of the property, fire safety and anti-social behaviour. Considerable work needs to be undertaken before an area is designated.

- 6.5 Additional Licensing – This can be done by HIMO type or by area. For example, in Oxford and Croydon, all properties occupied by three or more people in two or more households are licensable HIMO's regardless of the number of storeys. Charnwood Borough Council have gone one step further and imposed licensing on shared houses which are occupied by more than one household and who share one or more amenities.
- 6.6 The cost of licences must not exceed the cost of undertaking the licensing process, so licensing cannot be a revenue raising exercise.
- 6.7 Accreditation Schemes – Until April 2012, the City Council ran an accreditation scheme (CAPS), which was a way of engaging landlords and encouraging them to invest in their properties. It also gave the Council a database of landlords which they would not have had otherwise. Accreditation schemes can either be for the landlord or the property. The one in Coventry was a free property accreditation scheme, where the property received additional star ratings for additional facilities e.g. energy efficiency measures. There are also landlord accreditation schemes, such as the Midland Landlord Accreditation Scheme, which accredits the landlord; it requires landlords to attend training at a small fee and undertake continual professional development
- 6.8 Coventry's scheme was stopped as part of the Housing Fundamental Service Review for financial reasons as it wasn't statutory. The voluntary nature of it meant there were questions over its effectiveness as not all landlords participated. The aim was to improve the housing stock, but good landlords tend to do this anyway. Responsible landlords invest in their properties to improve their star rating, but an accreditation scheme doesn't impact on those landlords who need to do the most to improve their properties as they don't participate in such schemes
- 6.9 There are schemes that landlords are able to join such as the Midlands Landlord Accreditation Scheme, managed by Homestamp, a Consortium of Local Authorities (including Coventry City Council), the Fire and Police Service, Birmingham University, two landlord associations and a few large portfolio private landlords. Birmingham and Wolverhampton as well as other West Midlands regional Councils support this scheme. Warwick University, up until 1st April 2012, insisted that all student properties managed under its head leasing scheme be accredited under either Coventry's or Warwick District Council's property accreditation scheme.
- 6.10 The main aims of the schemes are to enable tenants to identify safe properties and responsible landlords and also to enable landlords to accredit their properties, and to enable them to access training and advice.
- 6.11 Other contributory factors - Areas in the city with most reported noise nuisance, fly tipping and rubbish are also the areas that are the most deprived in the city. These tend to be the areas where the housing available is low rent, high density and with a larger proportion of rented properties available. This type of housing therefore attracts not only students, but single young people, transient, new communities, and households and families on lower incomes. There would seem to be a stronger correlation between economic disadvantage and the issues raised in this report than with any specific type of housing tenure, type of resident, or density of housing.

6.12 Underreporting – this report reflects the current situation in the City, as has been reported. Therefore, in order to build up the most accurate picture, residents need to be encouraged to report problems directly to Coventry Direct on 0500 834 333.

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