

CORPORATE AND PUBLIC SERVICES OVERVIEW AND SCRUTINY COMMITTEE

05 March 2018 at 6.00pm at the Council House, Walsall

Committee Members Present	Councillor A. Andrew (Chair) Councillor M. Bird Councillor S. Craddock Councillor S. Fitzpatrick Councillor K. Phillips Councillor L. Rattigan Councillor S. Wade Councillor M. Ward Councillor A. Young	
Other Member Present	Councillor Longhi	
Portfolio Holder	Councillor S. Coughlan Councillor Jeavons Councillor D. Coughlan Councillor K. Chambers Councillor I. Shires	Leader of the Council Deputy Leader and Regeneration Social Care Personnel and Business Support/Agenda for Change Community, Leisure and Culture
Officers Present	James Walsh Paul Gordon Appollonaris Fonka Craig Goodall Matthew Powis	Interim Executive Director – Resources and Transformation Head of Business Change Housing Standards Officer Senior Democratic Services Officer Democratic Services Officer
Representatives from Landlords Steering Group (LSB)	Richard Hall Lyndon Whitehouse Lesley Williams	Chair of the Walsall LSG L&A Lettings Limited Spoke on behalf of the LSG

248/17 Apologies

Apologies were received from both Councillor C. Creaney and Councillor M. Nazir.

249/17 Substitution

Councillor A. Young substituted for Councillor C. Creaney and Councillor S. Fitzpatrick substituted for Councillor M. Nazir.

250/17 Declarations of Interest and Party Whip

There were no declarations of interests or party whips

251/17 Local Government (Access to Information) Act 1985 (as amended)

There were no items to consider in private session.

252/17 Engagement with Social Housing Providers

The Committee considered a call – in of the Cabinet decision, made on 14 February 2018, on Proposed Selective Licensing. The reason for the call-in was as follows:-

‘For the wide debate and scrutiny of the implications and costs of administration and sanctions that will be applied for those that do not pay for a licence and, the sanctions for those that are found to be in breach of such a licence. Also to look at the wider implications of the increases in rent if those charges are passed onto tenants’.

Members of the Committee received a copy of the call-in notice, the Cabinet decision taken on 14 February 2018 and relevant reports relating to the Committee.

The Chair as the call-in Member informed the Committee that the reason for the call-in had been for a wider public debate and to understand policy proposals on selective licensing. He confirmed that he supported tackling rogue landlords in the area.

A Member sought clarification on whether or not Member of the Committee were landlords within the selective licensing areas. The Senior Democratic Services Officer reported that, according to Member requester of disclosable pecuniary interests, no Members of the Committee owned properties in the proposed selective licensing schemes.

The Committee heard representations from representatives of the Selective Licensing Steering Group (LSG).

Invited Parties from LSG highlighted the following issues:-

- Consultation for the proposed scheme was inadequate. Specifically, consultation with landlords directly was weak which was evidenced by the low number of landlord responses to the consultation. Further concerns were highlighted in relation to the lack of engagement with the LSG;
- Selective Licensing was a tool that could not be used in isolation. Proposals should be carried out using existing strategic policies. Existing legislation

was already available to Local Authorities and would be a more effective tool to deal with issues of poor housing conditions;

- Mandatory Licensing regulations on Houses with Multiple Occupation (HMO) would be coming into force in 2018 which would provide the tools to tackle properties that do not meet the required standards;
- Concerns were raised regarding the impact of the licensing scheme on good landlords who would be forced into paying higher costs; Representatives from the LSG commented that bad landlords would evade participating in the proposed scheme. Good landlords should be rewarded for looking after tenants and providing decent housing;
- It would be better to share good working practices and supporting vulnerable tenants whilst targeting bad landlords rather than a blanket approach that may not engage the worst landlords;
- There was a risk that increased costs for landlords would be passed onto tenants through increased rents. In this regard, the impact assessments and consultation had not taken into consideration the impact to vulnerable, low income tenants and homelessness;
- Research carried out by the LSG indicated that at least half of mortgage providers would not lend for buy to let properties where licensing schemes operate. This could have a negative impact on the number of properties available for local people;
- Selective Licensing was omitted from a review of Homelessness in Walsall, the draft Homeless Strategy 2018 – 2022 and Walsall's Housing Strategy 2012 – 2016;
- A number of Local Authorities had completed consultation on proposals for selective licensing and decided against its implementation;
- The LSG proposed an exemption to the Licensing scheme which would allow landlords to be verified by the Council on housing and licensing standards. This was noted by the LSG as a fair approach to tackle bad landlords while avoiding penalising compliant landlords. Furthermore, 'Rent with Confidence scheme' by Wolverhampton City Council was discussed as an example of recognising good landlords, which allowed tenants to rate landlords according to housing standards in a public forum.

Councillor Longhi highlighted to the Committee that the LSG was established to share good working practices which support vulnerable tenants. However, consideration was needed to ensure that licensing policies did not penalise good landlords. He stressed the importance of making selective licensing fair and considered an exemption fee for compliant landlords to be a reasonable approach for the Council to consider implementing.

The Portfolio Holder for Social Care reported that there was a need to tackle problematic areas to ensure fit and proper housing. Licensing landlords was a method of improving housing for tenants. The Council had taken a proactive approach and undertaken a robust consultation noting that Selective Licensing had been successful in other areas.

The Committee concluded that a 'Walsall approach' was required which rewarded good landlords as such schemes had been successful with other Local Authorities. They also concluded that the process would benefit from additional

consultation thus ensuring that a full consultation process has been completed. The authority would then be in a position to robustly defend its positions should an application for judicial review be made.

Following the debate it was moved by Councillor Bird and duly seconded by Councillor Andrew that:-

That, Cabinet reconsider proposals to introduce a Selective Licensing scheme to allow further consultation with Walsall landlords to ensure a full consultation process has been completed and is in a position where any application for judicial review can be robustly defended.

On being put to the vote the motion was declared carried.

Resolved:

That, Cabinet reconsider proposals to introduce a Selective Licensing scheme to allow further consultation with Walsall landlords to ensure a full consultation process has been completed and is in a position where any application for judicial review can be robustly defended.

253/17 Date of next meeting

It was noted that the next meeting would take place on 12 April 2018.

Termination of Meeting

There being no further business, the meeting terminated at 7.55p.m.

Signed:

Date: