

Minutes of Safer Neighbourhoods and Active Communities Scrutiny Board

31 August 2023 at 5.49pm
Sandwell Council House, Oldbury

Present: Councillor Fenton (Chair);
Councillors Davies, Dhatt, Fisher, Khan, Lewis,
Maycock and Trumpeter

Also present: Councillor Rollins

Officers: Carl Mercer (Principal Planner), Karl Robinson
(Business Manager Housing Solutions), Trisha Newton
(Deputy Democratic Services Manager) and Anthony
Lloyd (Democratic Services Officer)

42/23 Apologies for Absence

Apologies for absence were received from Councillor
Shaen and Ms Phillippe Brown (Co-opted Member).

43/23 Declarations of Interest

There were no declarations of interest made at the meeting.

44/23 Additional Items of Business

There were no urgent additional items of business to
consider.

Additional Licensing and Article 4 - Options Appraisal

The Board received an overview on the proposed Additional Licensing consultation prior to submission to Cabinet.

Using discretionary powers, and subject to consultation, the Council could introduce additional licensing.

The implementation of an additional licensing scheme would require all Houses in Multiple Occupation (HMOs) to be subject to proactive licensing requirements and not just those that accommodated over five tenants. A fee would be charged by the Council to the Landlord for the duration of the licence which would contain clearly defined conditions which the landlord would have to satisfy.

The introduction of additional licensing would contribute to higher standards of HMO accommodation and would ensure effective management through extensive control. Additionally, this would protect the health, safety and well-being of tenants as well as improving neighbourhoods by preventing anti-social behaviour. A pilot scheme based in West Bromwich which utilised additional licensing had already been introduced.

Additionally, details regarding the proposed implementation of an Article 4 direction were provided to the Board. An Article 4 implementation was a legal means in which a local authority would require property owners to obtain planning permission when converting single homes into HMOs. It was highlighted that a very specific set of criteria was required before the Council could implement this piece planning legislation.

In 2018, BRE group was commissioned to inform the Council on the potential of expanding Additional Licensing. The results were considered alongside the Council's own range of contemporary datasets. It was found that sufficient data was in place to support the expansion of additional licensing however, further identification in relation to the concentrations of HMOs was needed before Article 4 could be introduced. This was a challenge for the Council as no datasets were currently available to reliably record the concentration of HMOs in Sandwell.

BRE's data identified that, in total, there could be up to 3500 HMOs in Sandwell. This figure was in stark contrast to data collected from the 2021 census which identified that there were 260 HMOs in Sandwell. An accurate figure for the total of HMOs was expected to be obtained following further investigation and as part of the consultation process.

Following questions from members, the following responses were provided:-

- Greater responsibility would be put on landlords to address anti-social behaviour;
- enforcement actions could have been carried out by the Council if licensing conditions were not adhered to;
- additional costs, as a result of the implementation of Article 4 and additional licensing, would be offset by the licensing costs received;
- a grace period of three months was in place to enable landlords to self-identify their HMOs;
- costs to find un-regulated HMOs were not certain however, reserves and mitigations would be in place to not put the Council at financial risk;
- it was noted that landlords may pass the costs of the licence to tenants by increasing rent however, most rent increase appeals were not successful;
- additionally, the Council could cover the fees if accommodation was provided to Council tenants in need of housing;
- a matrix of different approaches was used in order to identify un-regulated HMOs including desktop exercises, advert searches, landlord groups and word of mouth.

Members and officers minded the importance of HMOs in providing affordable housing to those who could not yet afford to rent a larger property, especially for residents who were living alone, on lower income, benefits or people moving to the area from for the first time. The main aim of the introduction of Article 4 and Additional Licensing was to ensure that HMOs in Sandwell provided good, suitable and affordable homes for Sandwell residents.

Following further discussion, members requested that the outcomes of the consultation be brought back to a future meeting of the Board. Additionally, it was recommended to the Cabinet Member that officers should aim to obtain at least 1000 consultees per town in order to receive substantial data.

Requests were also made for the Council to work with external bodies, including West Midlands Police, West Midlands Fire Service and other community agencies to identify un-regulated HMOs. A further spotlight session would be considered to investigate the financial costs of introducing Additional Licensing and Article 4.

Resolved:-

- (1) that Cabinet be requested to consider the viability of ensuring that the planned Additional Licensing consultation aims to obtain at least 1,000 consultees per town in order to receive sufficient data to ensure an informed decision can be made;
- (2) that Cabinet be requested to promote collaboration with external bodies, agencies and individuals, including West Midlands Police, West Midlands Fire Service, Councillors, Community Support Officers and other community facing organisations to identify un-regulated Houses in Multiple Occupation;
- (3) that a further report be presented to a future meeting of the Safer Neighbourhoods and Active Communities Scrutiny Board on the outcomes of the Additional Licencing consultation;

Meeting ended at 6.54pm

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