

Safer and Stronger Communities Scrutiny and Policy Development Committee

Meeting held 19 September 2019

PRESENT: Councillors Ben Curran (Chair), Tim Huggan (Deputy Chair), Sue Auckland, Michelle Cook, Dawn Dale, Karen McGowan, Anne Murphy, Kaltum Rivers, Richard Shaw and Colin Ross (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors David Baker and Penny Baker (with Councillor Colin Ross attending as Councillor Penny Baker's substitute).

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 Councillor Colin Ross declared a personal interest in Item 6 on the agenda – London/Abbeydale/Chesterfield Road Selective Licensing Update - as he is a private sector landlord.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 11th July, 2019, were approved as a correct record.

Matters Arising

4.1.1 Following the Scrutiny Committee's recommendations at its last meeting with regard to the South Yorkshire Fire and Rescue Integrated Risk Management Plan, the Chair reported that the Fire and Rescue Service had announced this week that it would look to alternative ways of achieving savings and thereby would save 85 firefighter jobs, as suggested by this Committee.

4.1.2 With regard to the proposed Gun and Knife Crime scrutiny review, the option for a wider sub group of all Scrutiny Committees would be explored with the Chairs of the Committees.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Controlling Migration Fund

5.1.1 The Committee received the following questions relating to the Controlling

Migration Fund (CMF) -

Question 1 John Grayson

Since the City Council has admitted that they have information stored on the number of people that the Private Housing Standards Team handed over to UKBA ICE staff, how many people were handed over to UKBA ICE from 2014 to the present, specifically by City Council Private Housing Standards officers?

Question 2 Andy Shallice

I'm sure that members of this Scrutiny Committee will be aware that since the previous Housing Cabinet Member addressed the Parliamentary Women's and Equality Select Committee inquiry into the Government policy concerning Gypsy, Roma and Travellers, that Select Committee has recommended to Government that "all local authorities with Roma populations should consider selective licensing to prevent exploitation in the private rented sector."

The same parliamentary inquiry heard from a government minister that 22 CMF projects supported Roma communities around the country. We – like you might be – are distrustful of those figures. Nevertheless, we understand that some CMF projects can be focused on improving the conditions and opportunities for Roma (and other migrants). We example the recent award to this Council of £198k for a 'Welcome to Sheffield' programme.

My question is this. Based on the successful CMF bid (October 2018). This bid states that "we have particular concerns over recent undocumented, unlawful immigration into the LAC area, linked to private rented housing accommodation which is often of a very poor standard":

1. In the June 2018 Cabinet report declaring the SL, there is no mention at all about the impact of migration. When and why did the Council decide to apply for CMF for additional resources in the LAC SL area?
2. (p9) In regard to the LAC SL and the proposed East area, what outcomes have been achieved by the employment of intelligence officers (seconded from SYP and HMRC)?
3. (p13) Has there been an impact on e.g. the prevention of exploitation of migrant labour in LAC and in the East?
4. (p15) Could you identify the number and focus of referrals made in the East by the additional CMF resources – outside the housing conditions and tenant/landlord relations?
5. (p15) finally, could you estimate the additional housing investment made by landlords in properties covered by LAC?

Question 3 Phillis Andrew

Why will Sheffield City Council, claiming to be a City of Sanctuary, not join 11 Labour Councils, including Liverpool, Oxford, Brent, Croydon, Enfield, Islington, Hackney, Haringey, Lambeth, Newham and Rugby, in refusing to share personal data of undocumented migrants with the Home Office unless explicit consent has been given?

Question 4 Stuart Crosthwaite

The Sheffield City Council bid for Controlling Migration Funding for the Private

Housing Standards team states that 'intelligence' will be 'shared with partner agencies'. Do these agencies include the Home Office, Borders Agency/UKBA or any other immigration enforcement agencies?

Question 5 Councillor Francyne Johnson

'What's the opinion of this Committee on positive references being made in the Controlling Migration Fund bid proposal to Government Hostile Environment Policy Right to Rent, which was ruled unlawful on the grounds of racial discrimination in the High Court in March this year'?

'Does the Scrutiny Chair agree that the Controlling Migration Fund decision should have been listed for discussion in its own right as a separate agenda item; particularly taking into account that this decision could potentially be said to be a key decision, covering more than one Ward, being worth a significant sum of money and conflicting with an existing policy that of Sheffield's status as a City of Sanctuary'?

- 5.1.2 The Chair, Councillor Ben Curran, stated that everyone will get a written response to their question. With regard to Francyne Johnson's second question asking whether the decision taken relating to the CMF fund should have been listed separately, Councillor Curran said that, although there had been an attempt to call-in the decision, the Monitoring Officer had said that the decision had been taken correctly, by an officer, and it was not a key decision, and Councillor Curran said the rationale behind the Monitoring Officer decision would be circulated to Members of the Committee, but added that, due to the level of concern, the issue will be a substantive one and he wants to see Council policy upheld.
- 5.1.3 Councillor Paul Wood, Cabinet Member for Neighbourhoods and Community Safety, stated that he believed that the existing policy around Sheffield's status as a City of Sanctuary was where it should be. He said he would check, but it was his belief that the Council did not share information about people unless someone has criminal intentions. Councillor Wood said that Selective Licensing was not going to last forever and that a permanent scheme needed to be put in place for when it does come to an end. He added that, due to Andy Shallice being a Policy Worker with the Roma Support Group, he would like to arrange a meeting with him regarding his knowledge of the Roma community in Sheffield.
- 5.1.4 Mike Fitter, Co-Chair, Sheffield Cohesion Advisory Group, summarised the concerns and recommendations of the Cohesion Advisory Group (CAG) and stated that acceptance of the second grant from the Government's Controlling Migration Fund, to fund additional staff recruitment to the Private Housing Standards (PHS) team, primarily to focus on intelligence-led work in the east of the city where poor housing conditions are believed to be linked to recent migration in to the area, had been approved without an Equality Impact Assessment or consultation having been carried out, as had been the case with the previous applications. He said that there was a lack of clarity with regard to the Tenancy Sustainment Officers who, in the opinion of CAG, are employed by a community organisation to ensure that they are independent.

5.2 Selective Licensing

- 5.2.1 Ben Manovitch, ACORN, asked the following questions relating to Selective Licensing -

Clarifying questions

1. The report refers to 81 properties (half of those that have been inspected) having 'serious hazards': does 'serious hazards' mean a category 1 hazard i.e. a serious and immediate risk to a person's health and safety?
2. Of the 49 properties where these were said to be no 'serious hazards' – were there still category 2 hazards?
3. There appear to have been 34 properties which have been unaccounted for in this report?

Substantive questions

1. Why are so many landlords getting past the 'fit and proper' test if they are making people live in seriously hazardous conditions?
 2. ACORN has been pushing for selective licensing to be citywide in Sheffield because we have encountered numerous cases of poor housing conditions across the city. This report demonstrates that selective licensing is an effective tool in identifying problems and raising standards. The reality is selective licensing ensures that those who cannot afford to buy their own home, those without means, are not forced to languish in rented houses which are a serious and immediate risk to peoples' health and safety.
 - a. Does the Committee agree with this statement?
 - b. Will it now recommend that sufficient resources are made available for selective licensing to be introduced in as much of the city as statute allows?
- 5.3 Councillor Ben Curran said that responses to substantive questions 1 and 2 from Ben Manovitch would be provided in the discussion to take place during Item 6 on the agenda – London/ Abbeydale/Chesterfield Road Selective Licensing Update, and that all other questioners would receive written responses.

6. LONDON / ABBEYDALE / CHESTERFIELD ROAD SELECTIVE LICENSING UPDATE

- 6.1 The Committee received a progress report on London/Abbeydale/Chesterfield Road Selective Licensing. The Committee had previously received an update at the inception of the scheme and had requested a further update following its implementation.
- 6.2 Present for this item were Catherine Hughes (Team Manager, Private Housing Standards), Councillor Paul Wood (Cabinet Member for Neighbourhoods and Community Safety) and Janet Sharpe (Director of Housing and Neighbourhoods Services).
- 6.3 Catherine Hughes outlined the work of the Private Housing Standards Service which has a duty to address poor housing conditions and carry out inspections to

those properties. There are approximately 420 privately rented properties within the London/Abbeydale/Chesterfield Road Selective Licensing area and, to date, 412 applications from landlords to hold a licence have been received. She said the Service had investigated where applications had not been received from landlords and although this was a lengthy process, 23 Civil Penalties had been served on those who had failed to apply. Ms Hughes outlined a number of serious hazards that had been identified, stating that in some properties these hazards had been resolved and work was still ongoing in others. She said that before a licence was granted, the Service carried out landlord checks which required that they pass a “fit and proper” person test, to provide information about their management arrangements to ensure that properties are safe and managed in a satisfactory way and that the landlord was the most appropriate person to hold a licence. She referred to vulnerable families who had lived in properties with severe damp and mould for a number of years, but didn’t know how to overcome this. She added that on inspection, some properties had been found to be structurally unsafe and prohibition notices had been served and also, in some cases, valid gas safety certificates had not been issued on gas appliances being used inside the premises. Ms Hughes outlined the legal notices that had been served to date.

6.4 Members of the Committee made various comments and asked a number of questions, to which responses were given as follows:-

- A licence is granted for five years and each licensed property will be visited twice during that period.
- Of the applications still not received, estimated at around 10, many of the properties within the London Road area, are flats above commercial premises and officers were visiting these premises either early in the morning or in the evening to establish whether they were occupied. Officers have power of entry and can go into any property with 24 hours’ notice.
- There are five dedicated officers carrying out inspections, and by year four of the five year scheme, it was anticipated that all properties will have been inspected at least once. It was still early days and the Service is looking to recruit more officers to carry out inspections.
- Following the introduction of the Selective Licensing Scheme in the Page Hall area of the city, good intelligence has been received from this, and there is a watching brief over this as it is a different type of community in that area.
- Where a Civil Penalty had been served on a landlord for failure to apply to licence their property, a good response had been received. Each case was judged on its own merits and no prosecutions have been made.
- Of 132 fit and proper checks carried out to date, none of the landlords have failed the fit and proper test, although nine are being investigated further.
- In response to suggestions to roll out Selective Licensing Schemes all over the city, it was stated that a report would be produced with regard to the

private rented sector, looking into the key priorities. Selective Licensing was labour intensive and to carry the scheme out city-wide, the Private Standards Service Teams would need to significantly increase.

- Where properties have been closed due to poor conditions, tenants can approach the Council's Housing Service and ask to be rehoused, but this was dependent on individual circumstances as to whether rehousing was temporary where properties can be made safe, or permanent if not.
- The Council has interim and emergency accommodation available to those persons displaced through anti-social behaviour.
- In 2023 the LAC designation comes to an end. If there were still issues to address, then the Council will have evidence of what those issues are and be able to make a decision as to how best to address them.
- In order to bring Selective Licensing Schemes into other areas of the city, there needs to be a considerable amount of evidence gathered, which takes at least 12 months to achieve. The Service would need to find out what the issues were within an area, look at living conditions in that area and deal with any individual properties requiring improvement first. All other options would have to be considered before Selective Licensing could be considered city wide. In addition, full consultation would have to take place across the city and Secretary of State approval would be required.
- With private rented properties outgrowing Council properties, there was a need to prioritise resources, but many staff were working on the ground, not desk based. The staffing numbers in Private Housing Standards have more than halved since 2008, while the private rented sector has more than doubled.
- The Housing Service does work closely with Acorn to see if the Service can do more to tackle some of the issues faced by those renting in the private sector. The Service also has a good relationship with both Universities in the city to enable them to provide good quality housing, but this is reliant on good landlords to provide decent homes.

6.5 RESOLVED: That the Committee:-

- (a) thanks Catherine Hughes, Janet Sharpe and Councillor Paul Wood for their contribution to the meeting;
- (b) notes the contents of the report and the responses to the questions; and
- (c) requests that an item outlining the bigger picture across Sheffield regarding private rented houses, be added to the Work Programme.

7. UNIVERSAL CREDIT IN SHEFFIELD - AN UPDATE

7.1 The Committee received a report of the Director of Policy, Performance and

Communications on the impact of Universal Credit in the City.

7.2 In response to matters raised at the meeting, Alice Nicholson (Policy and Improvement Officer), stated that she would send to Members further data on Universal Credit impact, and would explore with appropriate officers, whether data was available regarding its impact on tenancies and the use of food banks.

7.3 The Committee noted the contents of the report now submitted, together with the information now reported.

8. WORK PROGRAMME 2019/20

8.1 The Committee received a report of the Policy and Improvement Officer (Alice Nicholson), attaching the Committee's draft Work Programme for 2019/20.

8.2 Members suggested a number of issues that the Committee could include on the Work Programme namely:-

- Private Rented Housing.
- Controlling Migration Fund - more information on the project and if possible equality hub network input.

8.3 RESOLVED: That the Committee:-

- (a) approves the contents of the Work Programme for 2019/20; and
- (b) requests the Policy and Improvement Officer to look at including the items now mentioned as part of the Work Programme.

9. DATE OF NEXT MEETING

9.1 It was noted that the next meeting of the Committee would be held on Thursday, 24th October, 2019, at 5.00 p.m., in the Town Hall.

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