
Nottingham City Council
Executive Decision Call-In Request Form

This form should be submitted to the Governance Manager, Constitutional Services, Resources by midnight on the fifth working day after the decision publication date. The signed form should be submitted in original hard copy. If the form is being submitted after the office has closed on the fifth working day, it should be signed, scanned and emailed to *all* of the following individuals:

Senior Governance Officers

jane.garrard@nottinghamcity.gov.uk

rav.kalsi@nottinghamcity.gov.uk

laura.wilson@nottinghamcity.gov.uk

The original hard copy of the form must then be provided to the Governance Manager on the following morning.

For further information about the call-in procedure please see the Overview and Scrutiny Guide to Call-In and/ or contact the Senior Governance Officers on 0115 8764315 or 0115 8763759.

Date of decision publication: 22nd November 2016

Portfolio Holder Decision reference number:

or Executive Board minute number: 7

or Executive Board Sub Committee minute number:

or Area Committee minute number:


or Officer Decision reference number:

Description of decision:

Proposal for a Scheme of Selective Licensing for Privately Rented Houses

The following signatories request that the above decision be called in.

1. Signature  Print name Jim Armstrong

2. Signature  Print name Georgina Culley

3. Signature Print name N/A

Reason for requesting the decision be called in

The request for call-in must be based on one or more of the following reasons below.
[Tick the appropriate box or boxes and provide details for the reason, appending additional sheets if necessary]

<u>Reason for requesting call-in:</u> a) The decision is outside the budget/ policy framework	

<u>Reason for requesting call-in:</u> b) Inadequate consultation relating to the decision	✓
<ul style="list-style-type: none">• The Decision outlines the ways in which the introduction of the Scheme will help the Council to meet its objectives. However these do not include sufficient detail to outline how the Scheme will work in practise and how therefore the Scheme will allow the Council to meet its objectives. For example, 'landlords have to be assessed as fit and proper to manage' – it does not provide information regarding the criteria to meet this standard• The Decision makes clear that there is a danger that some Landlords may move out of the City boundary and into neighbouring districts in order to avoid being subject to the Scheme. The Decision states that conversations will take place in future which will consider this matter but it appears no consultation has taken place prior to the Decision being taken with Local Authorities and others to assess the impact on the Scheme• The initial consultation included an online survey for which just 12 out of 19 wards submitted responses. it also does not provide a list of the questions included, it includes prompted questions ('select all') rather than unprompted questions (which may have primed responses) and does not make clear if private rented sector homes were studied in isolation or if other property types were included such as owner-occupied or social housing to provide a comparative perspective	

<u>Reason for requesting call-in:</u> c) Relevant information not considered	✓
<ul style="list-style-type: none">• There is limited information regarding the success or otherwise of previous (and current) Licensing Schemes. The review of Mandatory Licensing for example refers to 'positive working relationship with accreditation partners' and 'increased awareness of licence holders responsibility and the Council's role in intervening and ensuring compliance' but little or no evidence as to how these conclusions have been reached. And the review of the Additional Licensing Scheme states 'the results are not at present showing a significant outcome in changes to ASB'. There does not appear to be any conclusions drawn as to what impact these reviews and the resulting disappointments, if any have had on the proposed Scheme• This decision will have to be authorised by the Secretary of State. The Decision does not outline what factors are likely to be considered by the Secretary of State, the likelihood that the proposals thus far would be accepted and what further work will be taking place, during the consultation or afterwards in order to ensure that the proposal has the greatest chances of being accepted• There is no evidence that there has been a review of the proposed consultation and whether the means of advertising the consultation will reach a sufficient number of target respondents. Nor is there any evidence that online and paper surveys are the appropriate methodology for reaching a sufficient number	

- of target respondents
- The Decision acknowledges that the Scheme will place pressure on current Council services (e.g. Community Protection and Housing Aid) – however it does not appear any consultation and/or research has been carried out regarding what the impact will be
- The Decision makes clear that there may be difficulty in finding the staff necessary to administer the Scheme and therefore there may have to be a resort to ‘recruitment consultants (and) agency staff’. There does not appear to be an assessment of the financial implications that this would have
- The Decision does not appear to have reviewed the experiences of other Local Authorities which have introduced Selective Licensing and what this means for this proposed Scheme
- The Decision acknowledges that rents increased for tenants following the introduction of an Additional Licensing Scheme in 2014. However, only cursory references have been made, there is no assessment regarding the extent to which this increase in rents was a result of the introduction of the Additional Licensing Scheme (as opposed to other factors) and no consideration appears to have been given to the impact on tenants in practise should rents rise following the introduction of a Selective Licensing Scheme
- The Decision makes clear that research has taken place prior to this Decision being announced. This apparently includes (but may not be confined to) focus groups and an online survey. It is not clear what this research involved in practise (the items discussed in the focus groups, who moderated, the structure of the online survey, how the respondent sample was selected etc), how many were consulted (and if this provided a robust basis for feeding into the Decision) or the results of this research

<p>Reason for requesting call-in: d) Viable alternatives not considered</p>	✓
<ul style="list-style-type: none"> • The Scheme will apparently ensure an ‘increased ability to provide information to landlords about good practice’ and ‘increased ability to signpost tenants to wide range of support as well as empowering tenants on standards they should expect’ – there does not appear to be any consideration of why this is the case nor whether this could be achieved without the introduction of a Selective Licensing Scheme • There is insufficient information regarding how they have arrived at the proposed charges and whether alternative charges would suffice • The Decision will apply to the entire City. It states that ‘it is clear that the vast majority of the City meets one or more of the conditions’. Some parts of the City do not meet any of the criteria and yet will be subject to the Scheme. It does not appear the alternative of applying the Scheme only to those parts of the City where there is a problem has been considered • The Decision outlines sixteen policies which have been in place (and continue to be in place) but which it is felt have been insufficient in dealing with the issues identified. However, there is insufficient information as to what extent these Schemes have been successful or unsuccessful or what could be done to improve them (which could potentially mean the Selective Licensing Scheme would need to be adapted to ensure these complementary approaches work more effectively together or may not be needed at the present time) • The sixteen policies which are currently in place have been listed as the alternatives proposed. However, these appear to have been in place prior to this Decision meaning that no new alternative Decision (whether updates/reforms to the current Schemes and/or an entirely new Scheme) has been considered • The Decision states that there has been a relatively low take up of the Accreditation Scheme for Landlords but no consideration is outlined stating what could be done to increase take up and how an updated Accreditation Scheme which leads to increased take up might mean the proposed Selective Licensing Scheme should be updated (or may not be necessary in some or all areas) • A Court Case is currently pending which could apparently have a bearing on the proposed financial structure of the Scheme, as well as the Housing and Planning Act which gained Royal Assent this year. The Decision acknowledges the importance of these but does not appear to have considered delaying the Decision until the results are known • The Decision does not appear to have taken into consideration the possibility of targeted Local Strategies (as opposed to a blanket, City-wide approach) 	

<p>Reason for requesting call-in: e) Justification for the decision open to challenge on the basis of evidence considered</p>	✓
<ul style="list-style-type: none"> • As outlined above the Decision will apply to the entire City despite the fact that its own research shows 	

that some parts of the City do not meet any of the criteria and yet will be subject to the Scheme, such as large portions of Clifton and Wollaton

- Some of the data provided is potentially misleading and shows less of a difference between owner-occupied properties, private rented sector properties and social housing than a reader could reasonably expect from the conclusions. For example:
 - The Decision states that 'the analysis showed that 10% of the variance in the rate of ASB calls can be attributed to the proportion of private rented sector property and that for every unit increase in the proportion of private rented properties, noise related ASB would increase by 0.14 units' – although the data is presented elsewhere the summary does not mention that the same is true of social rented (i.e. social rented – 0.14 unit increase)
 - It consistently looks at data which only takes into account raw number of incidents (such as anti-social behaviour) and not the number of properties (and hence the overall rate or percentage). For example, it states that 'splitting the LSOAs between those with a high proportion of Private Rented Sector properties and the remainder with a lower proportion, found that on average for every 2 reports made in an LSOA with a low proportion of PRS, 3 would be recorded in an LSOA with a high proportion of PRS'. These conclusions are potentially misleading as they do not draw attention to the proportions or percentages which provide a much more valid evidence base. Rather the data is simply presented elsewhere
 - Information is not consistently presented. For example, comparisons are made between Nottingham City, High Proportion PRS LSOA and Low Proportion PRS LSOA and Private Rented (exc. HMOs), Owner Occupied and Socially Rented. However whilst in some cases figures are presented for all in others only Private Rent data is presented (e.g. Private Rented (exc. HMOs), Owner Occupied and Socially Rented data is provided for ASB calls but not for all ASB or noise-related ASB, which only shows Private Rented (exc. HMOs)
 - The Decision looks at whether Nottingham City has a high proportion of private rented sector properties, as required by the Department for Communities and Local Government (DCLG) Guidance. It however has measured private rented sector properties as a proportion of total properties at a Lower Super Output Area (LSOA) level (concluding that a large number of LSOAs have a high proportion of these private properties – 88/182 or 48%) rather than a City level despite the fact that the Scheme will be applied across the City

Suggestions for Call In Panel meeting

If the call in request is valid a meeting of the Call In Panel will be held. Please list below any evidence and/ or contributors that you think should be made available to the Call In Panel.

[Please note that these will be considered as suggestions only and the final decision on evidence and contributors will be made by the Chair of the Call In Panel.]

Suggested list of evidence to be provided/ contributors to attend the Call In Panel meeting

For office use only:

Received on behalf of the Governance Manager by: N. Bamard (signature)

Name: Nancy Bamard

Date: 29/11/16

Time: 9:45am

Validation Check:

Governance Manager

Date of publication: 24/11/16 Date of call-in: 29/11/16 In time: YES / NO

Office checks that call-in is valid against requirements as set out in the Constitution:
 YES / NO

Reason: See Attached

Completed by: N. Bamard (signature)

Nancy Bamard (name)

Date: 02/12/16 Time: 16:00

Validation Check: (if necessary)

Monitoring Officer

Valid: YES / NO

Reason:

Completed by: (signature)

..... (name)

Date: Time:

Referrals:

Date copied to Corporate Director / Portfolio Holder

29/11/2016

Name of Corporate Director

DAVID BISHOP

Name of Portfolio Holder

ANDY VAUGHAN

CLL R. URQUHART

CLL R. NICOLA HEATON

Date copied to Chair of Overview and Scrutiny Committee:

29/11/2016

Governance Manager Validation check

Call-in reasons – Proposal for a Scheme of Selective Licensing for Privately Rented Houses

1. The call-in request is in time, in writing, signed by the required number of councillors and identifies reasons for the call-in, as required under the call-in procedure.
2. The call-in is also valid in that the decision is not one exempted from call-in under the call-in procedure rules and is a relevant decision for call-in under those rules.
3. In terms of the reasons for call-in, I am satisfied that the request is valid in respect of reasons c) Relevant information not considered, d) viable alternatives not considered and e) Justification for the decision open to challenge on the basis of evidence considered.
4. In terms of reason b) Inadequate consultation relating to the decision, this is considered an invalid reason for call-in because the decision taken was to go out to full consultation and therefore the assertion that the consultation was inadequate is premature.

Nancy Barnard, Governance Manager
02/12/2016