Attendance and Apologies

Present: Councillors Ibitson (Chair); Davis (Vice-Chair); Bell; De Ryk; Foreman and Johnson

Apologies: Councillor Curran

Also present: Genevieve Macklin, Head of Strategic Housing
Madeleine Jeffery, Interim Housing Strategy and Development Service Group Manager
Karen Shaw, Housing Needs Manager
Louise Spires, Strategy, Policy and Development Manager
Clare Ryan, Partnerships and Service Improvement Manager
Gary Cummins, Strategy and Policy Officer (Strategic Housing)
Mark Humphreys, Group Finance Manager (Customer Services)
Charlotte Dale, Scrutiny Manager
Arthur Klein, Local Private Landlord
Demetrios Antoniou, Omega Lettings
Lara Robinson, Private Rented Accommodation Tenant
Rachel Braverman, Lewisham CAB

1. Minutes of the last meeting

1.1 RESOLVED: That the minutes of the meeting held on 6 July 2011 be signed as an accurate record of the meeting.

2. Declarations of interest

2.1 Councillor Davis declared the following non-prejudicial interest: Member of the Lewisham CAB Management Committee.

3. Evidence Session – Private Sector Rented Housing

3.1 The following witnesses were welcomed to the meeting and asked to introduce themselves:

- Arthur Klein – Arthur owned a corporate investment company based in New Cross with around 100 tenants and four HMO registered buildings.
• **Demetrios Antoniou** – Omega Lettings focussed on providing private rented accommodation (including temporary accommodation) to 18 local authorities, through a variety of schemes.

• **Lara Robinson** – Lara had recently moved into a privately rented property made available via an Empty Dwelling Management Order (EDMO).

• **Rachel Braverman** - The Citizens Advice Bureau (CAB) advised residents on a variety of housing issues including disrepair and illegal evictions; and workers had noticed an apparent rise in the number of ‘amateur’ private landlords operating, often renting one property only and lacking the relevant professional expertise.

3.2 The Committee asked the witnesses what they thought private landlords could do to improve the quality of accommodation. It was suggested that it was important for all landlords to understand what the relevant legal requirements were, including non-professional landlords. In this respect, (a) landlord information days held by local authorities; (b) awareness raising around recent regulations; (c) encouraging accreditation schemes; and (d) the use of management agents could all be useful. Action against ‘rogue’ landlords should also be taken.

3.3 Rachel Braverman reported that the main housing related problems reported to Lewisham CAB were illegal evictions, harassment, the retention of deposits, the non-registering of deposits, agents taking a number of deposits for the same property and tenants being evicted because the landlord has fallen behind on mortgage payments.

3.4 In the case of landlords falling behind in their mortgage payments, Karen Shaw reported that the Council, if made aware of the situation, would try to work with the lender, landlord and tenant to resolve the situation. This might involve assisting the tenant directly by negotiating with the lender to allow the tenant to remain in the property after the bailiff’s notice, to provide extra time for finding alternative accommodation; or assisting the landlord (to assist the tenant) by using the mortgage rescue scheme or getting the lender to repackage the loan. The Housing Options Service had a debt advice officer who could provide specific advice in such cases.

3.5 The Committee heard about Lara Robinson’s experience of living private rented housing. Although the property had been fully refurbished and redecorated prior to her moving in, damp had re-appeared and communication with the letting agent had been difficult. Officers at the meeting agreed to look into the issue on her behalf to try to resolve the damp issue.

3.6 Members agreed that it would be helpful if landlords and lettings agents had a meeting with the tenant to go through relevant rights and responsibilities, as tenancy agreements were rarely written in plain English and were often difficult to understand. It was noted that Omega Lettings did provide a 30min/1hr ‘induction’ meeting in the first month of tenancy to explain how to use the property and to set out the obligations on both sides of the contract. The key points in the contract were also set out at the front of the document in plain English.

3.7 Rachel Braverman reported that not all landlords and letting agents were as professional as Omega Lettings and Arthur Klein; and that many undertook illegal evictions. As prosecutions for illegal evictions were taken forward by local authorities, this meant that the police were often unaware of the specific legislative framework relating to evictions. Members agreed that it would be helpful if the local police were provided with a pocket guide to relevant housing law.
3.8 It was noted that it cost the Council significant time and money to take a case to court and severe penalties were rarely issued so such action was unlikely to act as a deterrent. It was confirmed that there had not been any prosecutions for some time, but mediation had been provided, together with assistance in getting injunctions for the reinstatement of tenants. Karen Shaw reported that the Housing Options Team had two private sector advisers who provided advice on all aspects of private renting.

3.9 Demetrios Antoniou reported that Omega Lettings did not charge any fees to tenants as it primarily dealt with local authorities; and the fees charged to councils varied. Management fees charged to landlords were generally between 8 and 12.5%. In terms of the action taken when a tenant fell behind in paying the rent, instruction was taken from the landlord, but generally letters were sent in the first instance and further action only considered once there was a total of three months of arrears.

3.10 Rachel Braverman reported that the Residential Landlords Service advised its members to issue a section 21 notice (the notice a landlord can give to a tenant to regain possession of a property at the end of an Assured Shorthold Tenancy) at the start of each tenancy agreement, which meant that tenants were made to feel insecure throughout their tenancy.

3.11 Demetrios Antoniou reported that some solicitors were automatically issuing disrepair notices in the case of rent arrears, even if there was no disrepair issue, which was taking up a lot of court time and landlord time and stretching out the non-payment of rent period. He went on to outline how Omega Lettings would deal with a report of damp or mould and how a priorities schedule would be used to prioritise work.

3.12 It was accepted that wear and tear was a grey area. Omega Lettings took into account the time period of the tenancy, expecting little wear and tear after six months, but allowing for a greater level thereon – e.g. redecoration expected after four years.

3.13 Genevieve Macklin reported that properties in the Private Sector Leasing (PSL) scheme were inspected before they were admitted to the scheme, to ensure they met set standards; visited within the first six weeks of the tenancy; and thereafter visited at least once every 12 weeks. Properties in the Rent Incentive Scheme (RIS) were inspected before they were admitted to the scheme only, as thereafter the relationship was between the landlord and tenant. However, a letter was sent to the tenant after six months to check that the tenancy was working out.

3.14 Councillor Foreman reported a case of substandard temporary accommodation being provided by the Council and officers agreed to look into the case and report back to Councillor Foreman. Karen Shaw reported that temporary housing such as bed and breakfast accommodation was only used by the Council to provide emergency accommodation and for a short a period as possible. Accommodation was inspected prior to use and a written contract setting out standards was used, but the shortage of temporary accommodation in the South East London sub-region meant that the Council could not be as choosy as it might like to be.

3.15 Following a written submission from a member of the public, the Committee discussed the issue of anti-social behaviour (ASB) by private tenants and the effects on neighbouring residents if the landlord refused to take action. It was accepted that, in this instance, there was very little the Council could do.

3.16 Arthur Klein and Demetrios Antoniou outlined the action that they would take if their tenants were involved in anti-social behaviour. Arthur Klein reported that, if other means failed, a section 21 notice would be issued to secure eviction. Demetrios Antoniou reported that two warning letters would be sent prior to eviction being sought.
Neighbours would be advised to keep a diary to evidence the ASB and their tenant liaison officer would keep neighbours informed.

3.17 RESOLVED: That the evidence received be fed into the review.

4. Housing – Key Issues

4.1 Louise Spires introduced the report and provided information on:

- The Localism Bill
- Welfare Benefits
- Consultation on a new mandatory power of possession for Anti-Social Behaviour
- The HCA 2011-15 programme and affordable rent
- Decent Homes funding
- Self Financing
- Local regeneration schemes
- Landlords Day.

4.2 Councillor Bell reported that Landlords Day had been well organised and he was pleased to hear that a social lettings agency would be set up by the Council.

4.3 Councillor De Ryk expressed her concern that, as a member of the Strategic Planning Committee, she was regularly asked to consider planning applications that did not contain the target percentage of affordable housing but were well advanced, thus limiting the amount that could be done to improve the percentage. It was agreed that more information on the reasons why the percentage tended to reduce over the duration of the application and the negotiations that took place prior to the application being considered at the Strategic Planning Committee would be useful to members. The Committee agreed to consider this further under the work programme item. Louise Spires reported that financial viability was often a reason why the percentage reduced – an external consultant paid for by the applicant but working for the Council would assess whether the target percentage was financially unviable for any particular scheme and would advise on what might be achievable.

4.4 The Committee discussed the consultation that the Department for Communities and Local Government (DCLG) had issued on a proposed mandatory power of possession for anti-social behaviour. It was noted that the proposed new mandatory power of possession would be for where serious ‘housing related’ anti-social behaviour had already been proven. The Committee felt that this power should remain discretionary, so that courts could take all available evidence into account and decide against possession if they believed this to be the best form of action. Members observed that the threat of a possession order could only be applied to people in certain tenures, subjecting them to harsher consequences than owner occupiers who had displayed similar anti-social behaviour and who would not receive the same level of sanction. The Committee agreed to make a referral to Mayor and Cabinet recommending that the Council’s response to the consultation reflected this view.

4.5 It was noted that the All Party Briefing on 10 October (7pm in the Council Chambers) would involve presentations from the five main social housing providers in the borough on their plans for introducing ‘affordable rents’ and fixed term tenancies. It was agreed that Members would discuss the proposed event with colleagues to ensure there was good attendance at the event.

4.6 It was noted that various options were being considered for the decant of Milford Towers, but that tenants would only be placed in private sector accommodation if they
wanted to be. The Choice Based Lettings system would be used in the first instance and, if required, higher priority might be accorded to Milford Towers tenants.

4.7 **RESOLVED:** That a referral be made to Mayor and Cabinet on the Council’s response to the DCLG consultation on the proposed mandatory power of possession for anti-social behaviour.

5. **Mayoral Responses**

5.1 The Committee noted the Mayoral responses to its damp and mould review and recommendations; and to its referral on the Localism Bill.

6. **Select Committee Work Programme**

6.1 The Committee noted the request from Business Panel in relation to Islington’s Fairness Commission and agreed that the topics covered by the Commission recommendations, relevant to the remit of the committee, were already being considered as part of the existing work programme.

6.2 It was agreed that, if space could be found in the work programme, an item on affordable housing and the planning process would be considered at a future meeting. Following consideration of the report, Members would decide whether the topic should be further investigated via an in-depth review in the next municipal year.

6.3 **RESOLVED:** That the work programme be noted.

7. **Items to be Referred to Mayor and Cabinet**

7.1 None.

The meeting ended at 9.25pm

Chair: ---------------------------------------------------------------

Date: ---------------------------------------------------------------