

TASK AND FINISH GROUP REVIEW HOUSING STANDARDS. – Notes.

APPENDIX B

Meeting: 1000 hours 14 June 2022

External representatives:

Lincolnshire Police

Lincolnshire Fire and Rescue

Boston Borough Council representatives:

Assistant Director – Planning and Strategic Infrastructure

Community Safety Manager

Anti-Social Behaviour Manager -

Operations Manager

Environmental Health Officer

Lincolnshire Police:

Recognition of the challenges faced with the migrant communities and the fast moving pictures of the various nations coming through the town. Review needs to be mindful of the current status and the future status and when making any decision realise that anything taken forward might not be relevant in 10 years.

Key issues arise from lack of understanding of residents' rights and language difficulties which even with a translator in attendance prove frustrating when residents move to localised dialects within their primary language. Most communities did not have a community leader – moreover they had group leaders usually an alpha male who helped with administration matters. It was common within certain migrant communities to leave the elder child at home all day to look after all the younger children and as such the elder child misses schooling whilst both parents worked in the agricultural industry. Many of the travelling community could not read or write and there was a need to provide graphics when looking at the best way to communicate with them to explain how things worked and their rights in respect of the property. Many lived in what were thought to be unlicensed homes in very large family groups – although the migrant community groups' definition of family was far extended to include calling people from their own villages by the term 'cousin'. As such there was currently no way of knowing if a house was an HMO or just a family home. Issues at such homes included being non complicit with smoke alarms, parties and noise and rubbish in gardens but a lack of understanding did not offer the right to be above the law.

Many residents were reluctant to disclose information either in respect of their own personal situation or in respect of issues in respect of the standard of the property, being too scared to speak out about poor conditions, mindful of the rules back in their homelands of not complaining and just tolerating being scared of any repercussions should they complain.

When intelligence was provided the Police acted along with other partners but there was a continual block up by certain residents in their unwillingness to speak with the authorities or to complain. Boston had brothels, sex workers in residential homes and slavery issues.

Boston along with SHDC would be leading the way for multi-agency partnership-p working with all parties on board and eager to progress as much as possible with many tools in their toolkit to support the review. The review needed to look at short, medium and long term issues with a fluid transient population. Fran confirmed that the situation was a nationwide problem and not just specific to Boston due to it being an agricultural area. Many students suffered poor conditions within cities in their accommodation and issue were in the rural areas as well as the towns and cities – it was not solely an ethnicity issue. In response to a question to seek data identifying specific areas of the town for evidence in considering selective licensing, Fran advised it would not be possible as incidents recorded within the town itself could not be identified back to residences.

Lincolnshire Fire and Rescue:

Confirmation was provided that issues continued within illegal sleepers in accommodation over commercial premises which had not been subjected to a change of use within planning, particular along West Street. The only person permitted to sleep in such accommodation was the owner or manager of the property who did so at their own risk. All other occupancy was illegal with incidents having been found of no escape routes / no lighting nor other standard services and safety measures. A risk based inspection programme was in place but resources were very limited and it was impossible to visit all sites. When intelligence was received action was taken as a priority but resource was a major issue and HMO's were very time consuming.

The migrant project was a joint partnership approach, working in South Holland & Boston with community cohesion including the Police, the Council's Private Housing department and Immigration. The partnership undertook joint visits to addresses that had been highlighted as unlicensed HMO's and intelligence was gathered from the public, employment agencies & factories. The properties were cold-called and when the door was answered, usually Fire Officers were at the forefront asking to check that the premises had working smoke alarms as a softer approach to gain entry. To date no Officer had been refused entry. The Police provided language line when required and checked ID's, occupancy numbers, employment status and talked about trafficking, slavery and other working conditions

Private housing would discuss any issues with the tenants in respect of property, rent, and when possible, obtain landlord information and compliance of current legislations. Checks would be made on the smoke alarms (and one fitted if required) and fire safety advice provided with an accompanying fire safety leaflet. When a smoke alarm had not been fitted or the one on site was out of date or incorrectly sited, the Housing Officers wrote to the landlord giving them 48 hours to bring the detection up to legislation standard and whilst also raising any other issues highlighted.

Outcomes so far include investigation to trafficking, child benefits fraud, children 'lost' by the education system. One property being used for slavery had been closed down, as well as several prohibition notices being served on premises including brothels. Caravan sites had also been cold called using intelligence provided or by passing notice of groups of static/ mobile homes on farm yards and other industrial premises i.e. car washes.

Similar to the house visits the caravans were checked in respect of fire safety, living conditions and slavery issues. Engagement with the farmer or manager was undertaken to highlight any issues and provide fire safety advice leaflets. Outcomes has included speaking to the owner of a large number of caravans where all smoke alarms had been replaced due to the ones fitted not working. At another site, known by the Police to be used by rogue landlords, the Fire Service had built up a good relationship with the owner.

Several car wash sites had also been visited, one which was local had three men living in a garage building and enforcement action had been taken and the three men rehomed.

A pictorial leaflet designed giving basic fire safety advice on escape plans, smoke alarms, shutting doors and dialling 999 on the carried the four fire safety campaigns messages along with contact details for Fire and Rescue for fire safety concerns, Councils and private housing teams, crime stoppers, GLAA & modern slavery helpline. The leaflet had several uses targeting placing under field workers windscreen wipers, letting and employment agencies.

Assistant Director Planning and Strategic Infrastructure:

Referring the group to the existing report from 2016 the Assistant Director advised that nothing had changed from a planning stance since that report had been completed. The starting point in planning being that a residential property was a C3 use class for a single household up to 6 people. C4 use class when introduced was for an HMO with permitted development rights.

Some authorities had taken the Article 4 (restricted permitted development) route but by doing that, it meant resources were a real consideration and along with costs. Should the review take such a decision it would need to line up an Article 4 and the licensing side would need to ensure costs were covered. However, the Assistant Director advised the Government had tightened up on Article 4 in respect of where they could be used with the evidence base for it needing to be very clear. Appeals had been challenged resulting in some authorities walking away from them.

He further stated that without 'passing the buck' he felt the review would be considering selective licensing rather than utilising planning power. The Government had stopped mandating the national design standards and hadn't gone so far as to legislate them and make every property comply with them.

The Local Plan had recognised the role of accommodation and residents were again being encouraged to purchase rather than rent. The group were advised that education was a key factor with many owners not understanding the legislative process and assuming they could do what they wanted with their own property.

Operations Manager:

Confirming he was acutely aware of the waste issues in certain areas of the town, the Operations Manager agreed that the HMO's proved to be very challenging and that it was not always known if they were licenced or not.

By law residents had to separate their waste and there was no bespoke service for individual residents / groups of housing. When the twin recycling had been introduced the Council had served formal notice on everyone within the borough including landlords and HMO's and agents, of the legal requirement to separate, and a Section 6 Notice had been issued confirming the policy to manage waste.

Incidents of contamination were a constant at HMO's and whilst every effort was made to educate and liaise with the landlords and letting agents it was not always possible to track down the landlord. LHP and other housing associations proved no problem. A structured licensing system would be extremely beneficial in both addressing and where necessary, prosecuting repeat offenders and in holding the landlords to account. The only resource at the current time was that of a half a person per week, who could go out to ongoing problem sites. Licensing would allow them to contact the landlord direct instead of up to potentially 30 plus individuals. dependant on the landlords' portfolio. The Licensing would make a big difference in respect of waste and the knock on effects including vermin and health related issues from standing and old waste material. For information the group were advised that there had been approximately 7 incidents of vermin two years previously, with 77 incidents recorded within the last year.

Principle Environmental Health Manager:

Not wishing to speak against others service areas Nick did state he felt like Environmental Health were acting as another section of the cleansing team with the significant increases in vermin incidents due to non-collected waste. Whilst he had powers to serve on residents, it was extremely difficult to do so when a large collection of bins served a large number of residents. It was impossible to identify the actual residents let alone the landlord. Equally difficult was identifying landlords of the non-licensed HMO's where turnover of tenants resulted in a significant build-up of waste with each tenant ignoring or not being aware of the rules. Whilst education was a key factor, a more pragmatic approach needed to be taken in the high density areas of HMO's, with larger bins being the best option with no recycling.

Selective Licensing would make a significant difference. It would not address everything but it would give greater access to landlords and intelligence.

Incidents of noise nuisance had risen steeply but decreased recently. Loud noise issues which could be evidenced were dealt with, however the overriding problem was the effect on neighbouring properties to HMO's. With a large number of occupants within the HMO, with their work/shift patterns meaning the occupants were entering and exiting the HMO at all hours of the day. Plus the external noise of large groups in the gardens, the neighbours had noise impact from both inside and outside. Many were scared to report issues and then those who did, raised complaints which in context to the demographic of the HMO was normal domestic living for a house of that many occupants.

Community Safety Manager and Anti-Social Behaviour Officer:

It is noted that both had contributed throughout the meeting, supporting many comments by most representatives, both agreed that partnership working was key in moving forward. They also agreed the comments in respect of the HMO's and issues of waste and noise. The Anti-Social Behaviour Officer advised his role had evolved to one triage, with intelligence fed through to him which he consequently fed onwards to the respective service areas. He advised that tolerance levels had dropped completely since Covid with residents having little acceptance for any disturbance. In terms of ASB the biggest issues were noise and rubbish with notices served on the culprits when possible. Parties were an occasional problem but often just a one off. Supportive of selective licensing both recognised the benefit to their roles with permitting entry into premises for Officers and as the knock on allowing more direct access to the landlords.

POINTS OF CLARIFICATION MADE BY LEAD OFFICER:

1. Costs in respect of setting up selective Licensing:
West Lindsey District Council had indicated a cost of around £100k.
2. Any costs should Boston proceed would be recouped from the Landlords.
3. West Lindsey District Council and Stoke on Trent City Council had each noted that the fess passed onto the Landlords and been absorbed by the Landlords and not passed onto the tenants;

RECOMMENDATION – agreed by all representatives;

That if possible a central data base be produced for all the service areas in-house at the Council. Such a data base would enable any officer with an issue at a premise within their respective service area, to access the premise within the data base and gain an instant overview of any other activity or issues at the site.