

Record of Decisions

Anti-Social Behaviour and the Private Rented Housing Sector Response to Call-in - Mayoral Decision

Decision Taker

Mayor on 11 July 2012

Decision

That I confirm my original decision with modification as set out below to include further consultation and consideration as part of the budget setting process for 2013/14.

Reason for the Decision

To respond to the request of the Overview and Scrutiny Board to refer the decision back to the Mayor following a call-in of the Mayor's original decision.

Implementation

This decision came into force and may be implemented on 11 July 2012. The call-in procedure does not apply as this decision is in response to call-in.

Information

On 14 June 2012, the Mayor responded to the recommendations of the Overview and Scrutiny Board in respect of the review of anti-social behaviour and the private rented housing sector. The Mayor's decision was called-in by the Overview and Scrutiny Board for the following reasons:

- 1) Members ask why it is that the Mayor's decision does not include any evidence as to how he came to that decision. The Overview and Scrutiny Board review panel took considerable care to receive evidence from both the residents of Torbay, and officers of the partner authorities charged with these matters. Did the Mayor take similar soundings before arriving at his decision?
- 2) Regarding refs 1, 2, 4 and 6 of the Mayor's decision, Members ask for clarification as to why an issue that causes suffering for many of thousands of Torbay residents is seen by him to be a simple matter for the police to deal with. Surely the Council has very great responsibilities to the residents and tax payers who are suffering either directly or indirectly from the consequences of poorly managed private rented accommodation, and wider anti-social behaviour? Members challenge the Mayor's approach whereby he seems to wash his hands of an issue that the panel's report demonstrates is an issue that needs addressing as a matter of urgency.
- 3) Regarding ref 4, the review panel took care to ask expert officers to provide a business case for fast-tracked targeted enforcement to be implemented within the current financial year. This would bring relief to many residents whose lives are blighted by the problems

addressed in the report. Why has the Mayor chosen to turn his back on that suffering, by totally ignoring the business case? What work of his own supports his decision to brush aside the advice of Members of all parties represented on the Council?

The Overview and Scrutiny Board considered the call-in on 3 July 2012. The Board's response to the call-in is set out below:

"The Overview and Scrutiny Board believes that the Record of Decision and the explanation given at the meeting by the Mayor of his decision have limited relation to each other. Further, the Mayor indicated that he needed additional data which the Board was advised should be readily available.

Therefore, the matter be referred back to the Mayor at the meeting of the Council on 12 July 2012."

The Mayor considered the report of the Overview and Scrutiny Board on 11 July 2012 and his response is set out below:

For many years, including at least the last two previous administrations, there has been very little action in respect of the need to support the rented accommodation sector to support both social and private landlords and their tenants. The Overview & Scrutiny Board have undertaken a report which is helpful and supportive in the general direction of making recommendations for future policy-making.

The time has come to lay down some broadbrush policy statements that the community as a whole would welcome as being supportive, fair, balanced in the interest of all the people of Torbay. More work needs to be undertaken and a conclusion needs to be reached in time for the future planning of the 2013/14 budget. There needs to be a full consultation exercise into the proposals, followed by the submission to the appropriate policy development group and a final decision made by the full Council hopefully in support of the final recommendations. This gives an opportunity for everyone to have their say and to get on with a framework that has a light touch in bureaucratic terms, but makes it absolutely clear that the responsibilities of all landlords and all tenants work together for their mutual benefit.

My responses to the recommendations are as follows, to be considered as part of the consultation exercise over the summer and autumn period.

1. New housing policy dealing with the implementation of an Article 4 directive for properties in multiple occupation to be considered for implementation in Autumn 2013.
2. A new compulsory registration scheme for both social and private landlords having a regard for creating minimal and acceptable standards of accommodation, meeting current and appropriate regulations that create quality housing and services for all tenants.
3. That a financial report be considered showing the availability of funds to implement this policy in the 2013/14 Torbay Council revenue and capital budgets.
4. Should it be considered necessary, an early decision on various aspects of this new housing strategy could be implemented as soon as possible, if it is appropriate and

practical to do so.

I think it is important to ask all landlords how they at present deal with antisocial behaviour in their properties, and detail their risk assessments as to how this is explained.

The Local Authority and Housing Sector needs to work closely with our partners, including the Police and Crime Commissioner and the local Police Service to support a well tried and tested policy of working together to initially avoid antisocial behaviour as well as dealing with it – prevention is better than cure.

We should not underestimate the challenge this is for all of us in making Torbay as happier and better place in which to live, work and play.

Alternative Options considered and rejected at the time of the decision

In accordance with the Constitution, the options open to the Mayor were:

- Confirm the decision without modification;
- Confirm the decision with modification;
- Rescind the decision.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

Personal interest as he owns properties in Torquay, which are not houses in multiple occupation.

Published

11 July 2012

Signed: _____
Mayor of Torbay

Date: 11 July 2012