



Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL

DATE: 9TH JULY 2018

RIVERSDALE HOUSE, STAKEFORD, CHOPPINGTON NE62 5LG (PETITION)

Report of: Mr Paul Johnston, Executive Director of Place

Cabinet Member: Councillor John Riddle

Purpose of report

To acknowledge the petition recently received by the authority in respect of Riversdale House, Stakeford and:

- Respond to the petitioner's specific request that consideration be given to the compulsory purchase of the building or the introduction of selective licensing as a means of addressing current concerns.
- To set out the general background and issues associated with the building and action taken to date by the council.

Recommendations

- 1) It is recommended that the Private Sector Team in Housing and Public Protection continue to try and engage with the landlords of each unit of accommodation in Riversdale House to discuss opportunities to support them in tenant vetting to try to achieve sustainable tenancies from suitable tenants.

Update Since the initial drafting of the report the Private Sector Housing Team has contacted each of the owners by letter offering advice and support to appropriately tenant and manage the properties. All responses are being logged and the team will work actively with those owners wishing to access this guidance.

- 2) It is recommended that the Public Protection Environmental Enforcement Team continue to proactively visit the locality on a weekly basis to monitor and manage the area to ensure an appropriate condition level is maintained.

Link to Corporate Plan

This report is relevant to the priority “We Want You To Feel Safe, Healthy, and Cared For” [LIVING]. We are committed to ensuring that all of you feel safe, valued, and part of your community”, included in the NCC Corporate Plan 2018-2021.

Key Issues

1. Riversdale House comprises two blocks of small, single bedroom flats on three floors, built in the 1960's of concrete construction with a flat roof.
2. The Petition states that Riversdale House flats have been a problem for many years and concerns have been raised with the Council many times over those years
3. The Petitioners are requesting that the Council resolve the issues by either;
 - a. Compulsory Purchase, or
 - b. Selective Licensing
4. Government guidelines on landlord's responsibilities regarding repairs to their properties state the following;

Repairs ; What your landlord must do

Your landlord is always responsible for repairs to:

- *the property's structure and exterior*
- *basins, sinks, baths and other sanitary fittings including pipes and drains*
- *heating and hot water*
- *gas appliances, pipes, flues and ventilation*
- *electrical wiring*
- *any damage they cause by attempting repairs*

Your landlord is usually responsible for repairing common areas, for example staircases in blocks of flats.

Background

- 1) Riversdale House comprises two blocks of small, single bedroom flats built in the 1960s. The properties are built on three floors and are of non-traditional construction with concrete walls and a flat roof. There are considered to be inherent design issues within the flats; in particular poor insulation, open plan layout, large glazed areas and small size which frequently leads to problems with condensation.
- 2) There are 30 properties, the 26 leasehold dwellings are in multiple ownerships with 15 being owned by one individual and their company. The remaining properties are owned by individuals making effective negotiation with each party very difficult to achieve.
- 3) The properties are generally in poor condition with significant levels of voids many of which are boarded up.

- 4) There are a number of reported problems attributable, or linked to the occupation of the flats, including fly tipping and potential alcohol and drug related issues. Although reported ASB is low, the Police frequently attend the locality as part of general community policing and will, as appropriate, target specific addresses.
- 5) The above factors have led to the properties being generally in low demand, however the general situation is not by comparison significantly different to other areas in the County.
- 6) Council tax records indicate that in December 2017 there were 19 flats occupied and 11 were void. At that point of the 19 occupied 14 had only been occupied since August 2017. Anecdotal evidence suggest that some of the flats may solely be used as maildrop locations and this is being investigated by the Council Tax Home Visiting team.
- 7) The Environmental Enforcement Team visits Riversdale House on a weekly basis. Any waste or environmental issues are immediately passed through to the managing agent of the main landlord, Trans Britannia Properties Ltd of Ulgham. Under this current arrangement, officers report that matters are dealt with promptly and do not require enforcement action.
- 8) The Private Sector Housing Team have approached individual landlords however only some have responded and the lack of demand for the properties means that the landlords have little inclination to improve the properties.
- 9) The Housing Team within Public Protection have responded to tenants complaints regarding the condition of their property and have served legal notice where appropriate to ensure properties are maintained at an appropriate standard.
- 10) Fire safety has been a historical problem but has been addressed by the removal of the bins from the refuse storage areas and the quicker removal of fly tipped materials within the flats and adjacent areas. Any accumulation of waste outside the properties would present an obvious target for arson attacks but would be unlikely to threaten the building itself.
- 11) Housing and Public Protection have confirmed that during the period February 2017 to February 2018 the following reports were received regarding Riversdale House;
 - Community & Environmental Health Team:
 - 5 service requests from occupants of Riversdale House re disrepair to dwelling unit
 - 3 service requests regarding community safety related issues
 - Environmental Enforcement Team:

- 2 reports of fly tipping
- 5 service requests re dwelling open to access
- 2 reports of littering
- 1 report of overflowing waste bin.
- 1 service request re asbestos waste left outside by a contractor.

12) Northumbria Police have confirmed for the same period they received 92 incident reports. The most serious related to a number of burglaries and an arson with intent to endanger.

13) The Community Safety Team carried out a local residents survey in December 17. The survey was of all of Riversdale House - 30 flats (no replies) and 10 Properties on Riversdale Avenue (one reply) and 10 Properties on Lansdowne Crescent (2 replies).

14) Issues raised by the 3 respondents were:

- Noise from residents at Riversdale House: shouting screaming.
- Damage to private property (not specified)
- Drink and drug related asb (not specified)
- Frequent visits to Riversdale House by Police and the Ambulance Service
- Building is a visual eyesore.

Options Appraisal

15) A multi-disciplinary group, including Housing Services, Environmental Protection, Environmental Enforcement, Planning Enforcement, Community Safety and Northumbria Police has recently met to discuss the issues arising from Riversdale House and the explore the options available. These have included:

Community Protection Warnings or Community Protection Notices - Such notices can be used on an ongoing basis and issued to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that:

- (a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- (b) the conduct is unreasonable.

Planning Enforcement s215 - The overall appearance and impact of the property is not considered to meet the threshold required for s215 action by the Planning Enforcement Team.

Empty Dwelling Management Orders - Empty Dwelling Management Orders (EDMO) would enable the council to take over the management responsibility for the properties from the landlord and use tenant vetting to manage suitable allocations. However after investigation it was determined that none of the properties, though frequently void, had been empty for two years or more, a requirement of the EDMO process.

Selective Licensing - Currently local authorities have powers to introduce selective licensing of privately rented homes in order to tackle problems or any part or parts of them, caused by low housing demand and/or significant anti-social behaviour. Landlords who rent out properties in an area that is subject to selective licensing are required to obtain a licence from the local authority for each of their properties.

The establishment of such schemes is at the discretion of the council but the nature and purposes for which charges can be levied is regulated by the Housing Act 2004. Costs associated with establishing and administering the scheme are capable of being recovered, on a cost recovery basis, through a licensing fee which is levied upon the landlord of the property.

Selective Licensing has been discussed as an option to address concerns raised in respect of Riversdale House. It is however not considered to be applicable as it is not within the scope of the Act and associated regulation to bring forward a scheme for a specific building and even if it were, it is unlikely that a case could be evidenced which would meet the legal threshold for such an approach.

Compulsory Purchase Orders - Powers to do so are contained within the Town and Country Planning Act 1990, which is summarised as follows:

- *Section 226(1)*
 - *“the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land”*
- OR
- *“required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated”*
- *Section 226(1A): must think likely to improve economic, social or environmental well-being of area*

The process is complex and takes significant time to prepare the “case”, fundamental to which is the need for the Council to demonstrate a good reason for acquiring the land, details of which are set out in the “Statement of Reasons”, which must demonstrate that the proposed scheme and consequently the CPO is in the public interest and will deliver social, environment and economic well-being.

In preparing the case, the council must also be able to evidence that all other options have been fully explored, as CPO is viewed as a last resort.

In seeking a CPO, in the event of any objections there would be a need for a Public Enquiry or alternatively written representations may be invited and considered, post which a report is prepared for consideration by the the Secretary of State, who would determine whether to grant a CPO or otherwise. In the event that any party was aggrieved by the decision they may appeal to the High Court. At this time, the council would not be able to evidence a case for compulsory purchase, but it should also be noted that there is significant financial and reputational risk to the council with such an option.

It is also of note that compensation is also payable to the owner and, depending on what the possible planning uses were for the land, can be very expensive. For example if, as with this property it could be re-developed into suitable residential accommodation, then this may require a larger sum of compensation to be paid.

Suggested Way Forward

It is considered that the most appropriate way forward in dealing with the issues raised in respect of Riversdale House is via the Private Sector Team in Housing and Public Protection continuing to try and engage with the landlords of each unit of accommodation to discuss opportunities to support them in tenant vetting to try to achieve sustainable tenancies, which in turn do not give rise to future complaints or concerns which impact on the local community. The Environmental Enforcement Team have already established a good working relationship with the management company responsible for **maintaining** the common areas of the building and its environs and will continue to proactively visit the locality on a weekly basis to monitor and manage the area to ensure an appropriate condition level is maintained.

Implications

Policy	The recommendations sit within the remit of the Private Sector Housing Action Plan therefore no amendment to policy is required
Finance and value for money	If viable the Tenant Vetting process could generate an income from landlords who are interested in using this service.
Legal	None
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	All clients would be equally able to access the tenant vetting process.
Risk Assessment	The introduction of the Tenant Vetting will be subject to risk assessment and contribute to the reduction of any current risk associated with tenants within the property.

Crime & Disorder	The introduction of the Tenant Vetting will contribute to the reduction of any existing Crime & Disorder associated with tenants within the property.
Customer Consideration	Improved experience for members of the wider community affected by the property and some of its current residents. Increased confidence in the property condition and its tenants.
Carbon reduction	None
Wards	Stakeford

Background papers:

<https://www.gov.uk/private-renting/repairs>

Petition - (Appendix 1)

Report sign off.

	initials
Monitoring Officer/Legal	LH
Executive Director of Finance & S151 Officer	AE
Relevant Executive Director	PJ
Chief Executive	n/a
Portfolio Holder(s)	JR

Author and Contact Details

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PETITION

For the attention of Peter Jackson, leader of Northumberland County Council

Notification to:

Ian Lavery MP,
Julie D Foster, County Councillor,
Paul Vaughan, Chair of Choppington Parish Council.
David Nicholson, Clerk to Choppington Parish Council.
David Ledger, Northumberland County Council

For many years Riversdale House flats on Wansbeck Estate at Stakeford have been an eyesore and blight on the Community. (please see attached explanatory note.)

We petition Northumberland County Council to deal with the problem of Riversdale House flats by taking one of the following actions:

1 Compulsory Purchase – if the current owners are unable to manage this site without causing extreme detriment to the area then compulsory purchase could open the door to successful development to regenerate the area.

2 Selective Licensing – NCC has the power to introduce selective licensing schemes in designated areas. In a designated area, private landlords and their designated agents would need to have a license for each property they rent out. Fees have to be paid by landlords and they must meet defined standards in terms of how the property is managed. Such schemes can be introduced where:

- **there is a low demand for housing with few people wanting to live there**
- **significant and persistent problems with antisocial behaviour**
- **houses that are in poor condition**
- **people renting property for a short period of time**
- **a lack of basic necessities**
- **high levels of crime**

Evidence from areas that have used selective licensing suggests that it creates an environment that attracts people to live in the area, with rented properties being let for longer periods.

A common view is that compulsory purchase and selective licensing powers should only be used when all other measures have failed – given the long and sorry history of Riversdale House flats these are fast becoming the only options.

Further explanatory note regarding Riversdale House flats

Riversdale House flats have been an eyesore and blight on this area for many years, are a continuing problem to the police, to the residents of the Wansbeck Estate, and particularly to those living in the immediate area. The area is being brought down by them, and excellent properties are hard to sell once prospective buyers see the state of the flats. Even the flats opposite (formerly Anchor Homes) are deteriorating as the blight spreads.

To say that this is a longstanding problem is no exaggeration – a public meeting was arranged to discuss these problems almost 30 years ago. The situation is serious and we can understand the frustration of local residents at the failure of responsible authorities to improve things over that period.

These problems have been brought up with numerous Northumberland County Councillors over many years (as Councillors David Ledger and Julie Foster can demonstrate that they have pushed for this to be dealt with time and time again, as have the Parish Councillors and Clerk).

The problems of the flats, reported to police, local councillors, Choppington Parish Council and Northumberland County Council (and Wansbeck District Council before NCC) over many years include;

- **terrible state of repair**
- **constant vandalism**
- **rubbish strewn everywhere**
- **fly tipping**
- **within the last few months, large bonfires on the green between the flats**
- **noise nuisance (loud music, drunken carousing)**
- **disturbances (fighting, shouting obscenities)**
- **drinking parties**
- **drug taking**
- **drug dealing**