

## Safer and Stronger Communities Scrutiny and Policy Development Committee 2019/20

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### Public Questions 19<sup>th</sup> September 2019

Questions in regard CMF solely	
<b>John Grayson</b>	
<p>Since the City Council has admitted that they have information stored on the number of people that the Private Housing Standards Team handed over to UKBA ICE staff, how many people were handed over to UKBA ICE from 2014 to the present specifically by City Council Private Housing Standards officers?</p> <p>Response: The Private Housing Standards Team have never handed any person over to UKBA or any other agency. The Private Housing Standards service is the regulatory and prosecuting authority as it is the services legal duty to address poor housing conditions in the private rented sector. We do not check the immigration status of tenants or occupants during a routine inspection therefore we do not hand over anyone to Immigration Enforcement Services.</p> <p>Should officers delivering this scheme suspect that someone has been trafficked into the country then this information would be shared with agencies that can help to protect these individuals. Staff are trained on spotting signs of trafficking and modern slavery and if they suspect this is happening in a property we are visiting then this would be reported to the appropriate agency and charity.</p>	
<b>Phillis Andrew</b>	
<p>Why will Sheffield City Council, claiming to be a City of Sanctuary, not join 11 Labour councils, including Liverpool, Oxford, Brent, Croydon, Enfield, Islington, Hackney, Haringey, Lambeth, Newham, and Rugby, in refusing to share personal data of undocumented migrants with the Home Office unless explicit consent has been given?</p> <p>Response: Local authorities have a statutory duty under section 129 of the Nationality Immigration and Asylum Act 2002 to supply information for the purpose of establishing where a person is <b>when requested</b> about someone who is suspected of committing certain immigration offences under the Immigration Act 1971 (overstaying, no leave to remain, breach of conditions of leave to remain, entry by deception, assisting illegal entry/overstaying/asylum seekers for gain, etc.) and of being resident in the local authority's area. This means that if</p>	

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the Home Office were to request information from us as a local authority on someone's immigration status we would have to supply this information, should we have it.

**Stuart Crosthwaite**

The Sheffield City Council bid for Controlling Migration Funding for the Private Housing Standards team states that 'intelligence' will be 'shared with partner agencies'. Do these agencies include the Home Office, Borders Agency/UKBA or any other immigration enforcement agencies?

Response;

The project being carried out by the Controlling Migration Fund does not include checking tenants or occupants immigration status so referrals will not be made to Immigration Enforcement as that information is not being gathered. Should officers delivering this scheme suspect that someone has been trafficked into the country then this information would be shared with agencies that can help to protect these individuals. Staff are trained on spotting signs of trafficking and modern slavery and if they suspect this is happening in a property we are visiting then this would be reported to the appropriate agency and charity.

## **Question referencing CMF but impact on LAC Selective Licensing**

**Andy Shallice**

*I'm sure that members of this Scrutiny committee will be aware that since the previous Housing cabinet member addressed the Parliamentary Women's & Equality select committee inquiry into the government policy concerning Gypsy, Roma & Travellers, that select committee has recommended to government that "all local authorities with Roma populations should consider select licensing to prevent exploitation in the private rented sector."*

*The same parliamentary inquiry heard from a government minister that 22 CMF projects supported Roma communities around the country. We – like you might be – are distrustful of those figures. Nevertheless, we understand that some CMF projects can be focused on improving the conditions and opportunities for Roma (and other migrants). We example the recent award to this council of £198k for a 'Welcome to Sheffield' programme.*

*My question is this. Based on the successful CMF bid (October 2018). This bid states that "we have particular concerns over recent undocumented, unlawful immigration into the LAC area, linked to*

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*private rented housing accommodation which is often of a very poor standard”:*

1. *In the June 2018 Cabinet report declaring the SL, there is no mention at all about the impact of migration. When and why did the Council decide to apply for CMF for additional resources in the LAC SL area?*
2. *(p9) In regard to the LAC SL and the proposed East area, what outcomes have been achieved by the employment of intelligence officers (seconded from SYP and HMRC)?*
3. *(p13) Has there been an impact on e.g. the prevention of exploitation of migrant labour in LAC and in the East?*
4. *(p15) Could you identify the number and focus of referrals made in the East by the additional CMF resources – outside the housing conditions and tenant/landlord relations?*
5. *(p15) finally, could you estimate the additional housing investment made by landlords in properties covered by LAC?*

Response:

1. The Cabinet Report which recommended the designation for Selective Licensing focused on what Selective Licensing can address directly, poor property condition. The Ministry of Housing, Communities and Local Government guidance states that a selective licensing designation may be made if the area to which it relates satisfies on one or more conditions;
  - Low housing demand
  - A significant and persistent problem caused by ASB
  - Poor property conditions
  - High levels of migration
  - High level of deprivation
  - High levels of crime

The evidence gathered in the area during the targeted work satisfied the criteria for poor property condition. Due to this evidence around the impact of migration was not relevant to satisfy this criteria.

The decision was made after the Cabinet Report to make a bid from the CMF funding with the previous Cabinet Member for Housing and Community Safety. The original bid did seek additional resources for the LAC SL scheme but this was removed from the final bid document as the decision was made that the LAC scheme was already underway and funded. Therefore no funding has been received for any work around the impact of migration in the LAC area.

2. There is only 1 intelligence officer currently in post. To clarify, the intelligence officer in place has not been directly seconded from the Police / HMRC but was recruited independently. The officer has become fully trained on Council systems and has built a strong relationship with the Police Sergeant and his team working across the Burngreave Ward. As a direct result of intelligence gathered through a routine visit a referral was made to the Police which directly led to the seizure of over 160 cannabis plants.
3. The project has been running for 3 months and is focused in the East as no allocation has been given specifically for the LAC area. No direct impact has yet been made on potential exploitation on migrant labour in the East. The scheme will run until September 2020. Once the project ends a full report on the successes will be produced which will cover this

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as well as other outcomes.

4. Since July 2019 (start date for the CMF work in the East) the following referrals have been made;

No of referrals to Tenancy Support Officers	No referred for full inspection by PHS Officer	No of referrals to Environmental Services	No of referrals to Health & Safety Executive	No of referrals to local policing team	No of referrals to Gangmasters	No of referrals to other external agencies	Confirmation of other external agencies referred to	Total referrals made
5	19	5	2	6	1	4	RSPCA, Planning Team X2, MAST,	42

5. This information is covered in the report that is being submitted to this committee, from the start of inspections (Feb 2019) to the 4<sup>th</sup> September is £11,420. This is something that will be reported on throughout the lifetime of the scheme.

*Subsequent context comment from Andy Shallice*

*Email 20.09.2019*

“But as you can see, my questions are directly addressed to the LAC SL scheme and weren’t addressed by Catherine last night. I didn’t expect any answers then, but I do expect written answers re the SL.”

*Response:*

*The above provides the response. However, further information can be found on the various scrutiny reports for SL from 2014 that have been presented to this scrutiny meeting who have overseen this activity.*

## Question in regard LAC Selective Licensing Scheme

**Ben Manovitch**

### Clarifying questions

1. The report refers to 81 properties (half of those that have been inspected) having ‘serious hazards’: does ‘serious hazards’ mean a category 1 hazard i.e. a serious and immediate risk to a person’s health and safety?
2. Of the 49 properties there were said to be no 'serious hazards' – were there still category 2 hazards?
3. There appear to have been 34 properties which have been unaccounted for in this report?

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Response;

1. Yes, for the purpose of this report serious hazards are Category 1 and High Category 2 hazards.
2. As above, serious hazards include High Category 2 hazards. We can't take enforcement action on hazards that are not Category 1 or high Category 2.
3. I have looked through the report and can't identify the 34 properties referred to. I can see that at the time the report was produced there had been 164 inspections carried out and 132 Fit and Property checks so this gives a difference of 32 but we can inspect the properties prior to Fit and Proper checks being completed.

## Substantive questions

4. Why are so many landlords getting past the 'fit and proper' test if they are making people live seriously hazardous conditions?
5. ACORN has been pushing for selective licensing to be citywide in Sheffield because we have encountered numerous cases of poor housing conditions across the city. This report demonstrates that selective licensing is an effective tool in identifying problems and raising standards. The reality is selective licensing ensures that those who cannot afford to buy their own, those without means, are not forced to languish in rented houses which are a serious and immediate risk to peoples' health and safety.
  1. Does the committee agree with this statement?
  2. Will it now recommend that sufficient resources are made available for selective licensing to be introduced in as much of the city as statute allows?

Response;

4. Where hazards are identified in properties landlords and / or licence holders are made of aware of them and given a timescale to carry out remedial works. If the landlord complies with this then there would be no reason for them to be found not fit and proper. By way of background, in order to be granted a licence, landlords need to pass a fit and proper test and provide information about their management arrangement. This is to ensure that they are the most appropriate person to hold the licence and can demonstrate they have satisfactory arrangement in place to manage property disrepair and tenancies. The proposed licence holder provides ID and a declaration confirming their status with regard to criminal offences. The Council has regard to this information and any other evidence relating to previous convictions held by person applying for the licence. These include any contraventions for failure to comply with housing and landlord and tenant responsibilities as well as convictions relating to fraud, drugs, sexual misconduct, discrimination and violence. All licence applications are put through this test before a licence is issued. Should a landlord pass Fit and Proper test but throughout the licence period commit an offence such as non-compliance with an improvement for example we would re-assess the Fit and Property status.  
As at the 4<sup>th</sup> September 132 applicants have been through the fit and proper

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check with 9 being investigated further, 0 applicants have yet been refused fit and proper status.

**5. Further response from Committee required**

## *Question for Chair/Committee response not Housing Services*

*Francyne Johnson*

*'What's the opinion of this committee on positive references being made in the Controlling Migration Fund bid proposal to government Hostile Environment policy Right to Rent which was ruled unlawful on the grounds of racial discrimination in the high court in March this year'?*

*'Does the scrutiny chair agree that the Controlling Migration Fund decision should have been listed for discussion in its own right as a separate agenda item; particularly taking into account that this decision could potentially be said to be a key decision, covering more than one ward, being worth a significant sum of money and conflicting with an existing policy that of Sheffield's status as a City of Sanctuary'?*

*Response:*

In March 2019, the right to rent scheme was declared incompatible with Article 8 of the European Convention on Human Rights, and any further roll out of the scheme (it currently only applies to England and not the rest of Britain) without significant review and revision will not now take place. The judgement has been described as a major blow to the credibility and validity of the 'right to rent' scheme. However, the declaration of incompatibility does not affect the ongoing validity of the Immigration Act 2014, so obligatory 'right to rent' checks remain the law.

See minutes 19.09.2019, paragraph 5.2 - Councillor Curran said that, although there had been an attempt to call-in the decision, the Monitoring Officer had said that it was correct it was not a key decision, and Councillor Curran said the rationale behind the Monitoring Officer decision would be circulated to Members of the Committee but added that due to the level of concern, the issue will be a substantive one and he wants to see Council policy upheld.