

CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Environment and Director of Customer and
Community Services

TO: Civic Affairs Committee

19/9/2013

WARDS: East Chesterton

COMPLAINT CONCERNING NUISANCE CAUSED BY THE USE OF THE GUEST HOUSE AT 70 GREEN END ROAD

1 INTRODUCTION

- 1.1 Earlier this year the Council referred a formal complaint by Mr & Mrs Wisbey to the Independent Complaints Investigator (ICI). In essence the complaint was that actions of the City Council had led to serious levels of nuisance over a number of years being caused to Mr & Mrs Wisbey's enjoyment of their house in Green End Road.
- 1.2 This report sets out the details of the complaint, the findings of the ICI work and action that has been taken as a consequence of these investigations.

2. RECOMMENDATIONS

- 2.1 To note the actions taken in relation to a complaint concerning nuisance caused by the use of the Guest House at 70 Green End Road.

3. NATURE OF COMPLAINT AND INDEPENDENT INVESTIGATORS FINDINGS

- 3.1 A copy of the ICI report is attached as Appendix 1 to this report (it is in redacted form because the report contains names of individual members of staff) together with a timeline of key events attached at Appendix 2.

- 3.2 The ICI report sets out the case in detail, however the key facts are set out below.
- 3.3 In 2005 the City Council entered into an agreement with the owner of the Guest House at 70 Green End Road for temporary accommodation of vulnerable homeless people (the City Council had also housed people at the property prior to that date). The agreement was conditional on the property only housing local authority clients with no more than 9 people.
- 3.4 The 2005 agreement was in breach of the lawful planning use of the property which was as a Guest House with no more than four bedrooms.
- 3.5 In July 2005 Environmental Services registered the Guest House as a House in Multiple Occupation (an HMO is subject to the Housing Acts which deals with separate considerations to the lawful planning use) of no more than 9 people.
- 3.6 At the time the Guest House was registered as an HMO Environmental Services advised the Planning Service. A letter was sent by the Planning Service to the owner of the Guest House reminding him of the restriction of 4 bedrooms and advising that planning permission would be required for the HMO with up to 9 people. From 2005 onwards Mr & Mrs Wisbey experienced noise disturbances from the people being housed in the Guest House.
- 3.7 In April 2007 the records show the first contact by Mr & Mrs Wisbey to the Anti-Social Behaviour (ASB) Team when the City Council was advised of the nuisance from the use of the Guest House. Various attempts were made by officers in the Housing Needs Team and the ASB Team to try and resolve the problems. Unfortunately these attempts were not successful and the problems continued over the following months and years.
- 3.8 The nature of the anti-social behaviour was very unpleasant, offensive, at times frightening and seriously affected the Mr & Mrs Wisbey's enjoyment of their home. During this period the Guest House was used by both the City Council and also other local authorities to house vulnerable homeless people.
- 3.9 In June 2012 a newly appointed officer in the ASB Team requested the Planning Service to clarify the lawful use of the Guest House. The initial advice was incorrect and was that there was not a case for the Planning Service to take action. This advice was subsequently corrected and in October 2012 the Guest House ceased to be used

by the City Council for placements and effective planning enforcement action was taken to cease the unlawful planning use of the property.

- 3.9 The ICI concluded that there were three areas in which City Council failed the complainant. The failure to monitor and enforce a planning breach; the lack of recognition of that breach by Housing Needs and the failure to deal effectively with chronic neighbour nuisance over a long period of time, by Housing Needs, Environmental Services and the ASB team.
- 3.10 The ICI was concerned that the Housing Needs Team had a conflict of interest in that officers wished the HMO to continue in order to meet their duty to house.
- 3.11 The ICI considered the statutory nuisance the complainant has endured over time to have been severe and to have been compounded both by the City Council's own actions in designating the Guest House as an HMO for use of nine rooms and by its failure to take enforcement action. In the light of this the ICI recommended compensation to run from when City Council first had knowledge of the problem. This, from the ASB record, is in early 2007; a period of five years in total. The ICI recommended, in line with Local Government Ombudsman guidance, compensation of £2000.00 per year for five years. A total of £10,000.00 together with the sum of £250.00 as a time and trouble payment in consideration of the time taken in pursuing the complaint.
- 3.12 In addition the ICI recommended the following action by the City Council:
- That an internal investigation seeks to establish how, given the Planning Inspectorate decision of 2002, a change of status to an HMO with nine rooms, was permitted in 2005.
 - That when any licence for an HMO, or any other form of emergency accommodation is issued, the Planning Service provide written advice to the applicant about the status of the planning position and any subsequent action is followed up, as necessary, by the Planning Service.
 - That a designated officer, within the Planning Service, is assigned to maintain, update and monitor a central record for this purpose.
 - That a full review of staffing needs in such premises is undertaken and made conditional on the granting of a licence. This should be recorded where all involved departments can access it and be properly monitored.

- Before any referral is made to premises used for temporary accommodation, a note should be put on file showing a planning status check has been done together with a note of the number of rooms already occupied to avoid any use beyond that permitted.
- That an agreement is reached between Local Authorities concerning ASB and lack of management.
- That effective monitoring of conditions and requirements takes place.
- Where different departments are involved a single point of contact should be established and a central register of complaints kept.

4. **COMPENSATION**

- 4.1 In response to the ICI findings the Director of Environment consulted with the Chair, Opposition Spokespersons, and Executive Councillors, about exercising his delegated urgent action powers (under Part 3 Section 9 of the Constitution) to make the recommended compensation payment to Mr& Mrs Wisbey. Councillor Herbert objected to the use of these powers and stated that it was not appropriate to settle the level of compensation and any follow up action/learning by way of emails amongst councillors and officers. He stated that the ICI report should be discussed at the Civic Affairs Committee. Councillor Herbert also stated that the compensation should cover the period from 2005 when the nuisance started.
- 4.2 The Director of Environment carefully considered the issues raised by Councillor Herbert and concluded, supported by the Chair and Executive Councillors, that he should exercise the urgency powers on the payment of the compensation to avoid any delay to Mr & Mrs Wisbey. He believed it was the correct decision to make the payment as soon as possible given the nuisance they had experienced and the need to bring this matter to a prompt conclusion. The Chief Executive and the Director of Customer and Community Services also supported this view.
- 4.3 It is normal City Council practice for a decision on compensation to follow the recommendations of the Independent Complaints Investigator and the Local Government Ombudsman and for complaints to be dealt with by officers using delegated powers. In this case the Director decided to use urgency powers given the scale of the compensation involved. He noted Councillor Herbert's view that the matter should be deferred until the Civic Affairs Committee for a decision and that he believed that the level of compensation should be set to cover seven years rather than five years (i.e. £14,000 rather than £10,000).

- 4.4 On the issue of the level of compensation the Head of Legal Services shared the Independent Complaints Investigator's report with the Local Government Ombudsman's office. The informal advice from the LGO Investigator was that the report addressed the complaint properly and identified appropriate remedies. With regard to financial compensation, the advice was that this was at the higher end of the range usually considered by the LGO but the Investigator did not suggest that it was excessive. The Head of Legal Services asked for advice regarding the period over which compensation should be assessed - specifically whether it should include the period from 2005 to 2007. The LGO Investigator said that she regarded 2007 as an appropriate start date, as this was the date from which there is evidence of complaint to the Council, and from which the Council should have acted more effectively. The approach of the Independent Complaints Investigator in this regard is in line with that of the LGO. In the light of this advice the Director of Environment concluded that compensation of £10,000 (+ £250 for time and trouble) was a fair and equitable settlement and he therefore made arrangements to pay the compensation at this level.
- 4.5 This was informal advice from the LGO. It remained open to Mr and Mrs Wisbey to make a complaint to the LGO if they were dissatisfied with any aspect of the Council's response, including the level of compensation offered.

5. ACTION TAKEN TO ADDRESS THE COMPLAINT

- 5.1 On 2 August the Director of Environment wrote to Mr & Mrs Wisbey with an unreserved apology on the behalf of the City Council for the mistakes that were made in seeking to stop the nuisances.
- 5.2 In addition the Director of Environment set out the City Council response to the eight actions recommended by the ICI. This response was as follows:
1. Internal investigation. The Director of Customer and Community Services and the Director of Environment will jointly undertake this investigation to confirm how the 2002 Planning Inspector's decision was not acted upon
 2. Written advice by the Planning Service to be made available when an HMO licence is issued –this has been actioned and the formal notification is now being passed to the Planning Enforcement team for checking when an HMO licence application has been

made (i.e. rather than later in the process when the licence has been issued).

3. Appointment of designated officer to record planning status of HMOs – this has been done and is the New Neighbourhoods Development Manager (for growth sites in the City) and the City Development Manager (for other parts of the City).
4. Review of staffing needs in such premises- Officers ensure that premises are staffed in appropriate cases and processes will be changed to ensure that conditions and requirements for a particular property are shared between services and when officers are inspecting premises they are fully aware of the requirements of other services and can share information appropriately.
5. Note on file before any referral for temporary accommodation – The Housing Advice Team has now introduced a process to check the planning status of shared accommodation it uses for emergency purposes such as Bed and Breakfast/Guest House type accommodation. All other forms of temporary accommodation are for self-contained households and/or are in the Council's ownership and management and therefore there is no question over the planning status.
6. Agreement between authorities concerning ASB or lack of management –The last major incident of anti-social behaviour at the Guest House emanated from a resident placed by South Cambridgeshire District Council. As soon as this became clear City Council officers made representations to South Cambridgeshire District Council and the resident was evicted. The City Council has made neighbouring authorities, who are known to use the Guest House, aware of the current issues and asked for their cooperation.
7. Monitoring conditions or requirements – As a result of this case the Housing Advice Team will more quickly stop using emergency accommodation if a similar set of circumstances arise.
8. A single point of contact with central register of complaints where different departments are involved - We will endeavour to ensure better co-ordination between departments where more than one is involved, and are addressing improved coordination between the departments involved in this case.

6. CONCLUSIONS

- 6.1 There has been a clear failure in the way that this case has been dealt with. An unreserved apology has been made to Mr & Mrs Wisbey. Compensation has also been paid.

- 6.2 There are clearly important learning points for the organisation that arise from this case. The report sets out a comprehensive and full set of actions that have been actioned. In addition the two Directors are completing an internal investigation to ensure that every appropriate action has been taken. The most evident finding from the ICI investigation is the lack of joined up working across teams and departments. No other case could show more starkly the importance of officers working together as 'one Council'.
- 6.3 All the actions listed will be followed up and the lessons learned will be acted upon.

7. **IMPLICATIONS**

(a) **Financial Implications**

The costs of the compensation is being met equally by budgets from the two departments directly involved in this case.

(b) **Staffing Implications**

None other than the issues described in the foregoing report. The events took place over several years and at least one key officer has left the organisation during this period for reasons unconnected with the case.

(c) **Equal Opportunities Implications**

This case illustrates the importance, when addressing the needs of the vulnerable, to maintain a balanced and reasonable consideration of the impact of anti social behaviour on neighbours.

(d) **Environmental Implications**

Nil

(e) **Procurement**

Nil.

(f) **Consultation and communication**

As described in the foregoing report

(g) **Community Safety**

The ASB officer played an important part in pursuing a resolution for the Wisbey's, Nevertheless this is a case which should have been

resolved at a much earlier stage by more effective interdepartmental working, without the need for the involvement of the ASB team.

BACKGROUND PAPERS: None

The author and contact officer for queries on the report is Simon Payne on extension 8277 .

Report file:

Date originated: 11 September 2013

Date of last revision: 11 September 2013

In case of enquiry contact Alexander Finlayson
Direct Dial 01223 457325
Fax 01223 457009
E-mail: independent.complaints.investigator@cambridge.gov.uk

APPENDIX 1

Independent
Complaints
Investigator

Mr and Mrs Wisbey
72 Green End Road
Cambridge
CB4 1RY

19 July 2013

Dear Mr & Mrs Wisbey

Remedy for nuisance caused by use of Guest House at 70 Green End Road by Cambridge City Council (CCC).

I write further to Simon Payne's request that I consider appropriate action and redress in relation to the above matter. I have now completed my review and set out my conclusions below.

My role

My role is to investigate complaints concerning administrative and procedural actions and decisions that have failed to resolve at departmental level. As the Independent Complaints Investigator I try to resolve the matter as the final stage in the City Council's internal complaints procedure. Whilst I am able to recommend the level of monetary compensation, the decision to make payment is a matter for CCC.

Please note that in this case, given that CCC have accepted failure, apologised and implemented enforcement action, I have restricted my investigation to an assessment of the impact on you together with recommendations for action.

My Review

I have met with you and, at your request, Clare Blair, who also attended our meeting. I have received a summary and chronological record of your contact with the Anti Social Behaviour (ASB) team and a file of documents from Simon Payne. I have also considered two, well documented, files of your own; one detailing the planning history of the Guest House and the other a record of your contact with the various departments of CCC.

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I have also considered the Local Government Ombudsman (LGO) guidance on remedies.

History and Summary of Findings

As the facts of this matter are well known to all interested parties I shall only set out a brief summary of your problems with the Guest House and CCC's delay in resolving the matter.

You have lived in your house since 1989, investing much time and money in making the home and garden a family home and somewhere you wish to spend your retirement. When you moved to your home the property next door, at number 70, (the Guest House) was a family run bed and breakfast establishment, restricted by planning permission to four guest bedrooms. This did not cause you any problems. In 2000 the Guest House was sold to the current owner and you immediately noticed an increase in traffic and neighbour disturbance. CCC inspected the property and in August 2001 issued an enforcement notice confirming the letting restrictions.

The Guest House then submitted plans to extend the house and to remove the restriction. The applications were refused, appealed and finally refused by the Planning Inspectorate in June 2002.

You have advised me that you continued to experience disturbances at the property and to notice a regular police presence. It was not until 2005 that CCC entered into an agreement with the owner to use the Guest House as temporary accommodation solely for (primarily) vulnerable homeless people. However the Housing Advice team were placing people in the Guest House before this date.

I understand that Housing Advice requested Environmental Services to carry out an inspection of the premises in 2000 and in 2004. In 2004 there were four tenants, the staff from a local bus company. Environmental Services considered the house to be an unregistered HMO and advised Housing Needs not to place any further tenants in the property.

I have had sight of a letter dated 7 March 2005 from CCC's Environmental Services confirming a visit with [REDACTED] of the Housing Needs Team. This letter sets out the terms of the agreement with CCC for the Guest House to be used as a House in Multiple Occupation (HMO) on condition that it accommodate only CCC or Local authority clients and no more than 9 people. This was clearly in breach of the planning restriction.

On 7 July Environmental Services sent the owner of the Guest House a Certificate confirming registration as an HMO suitable for 9 persons. Once the property was registered Housing Needs were informed that it was now suitable to be occupied under the Housing Act 2004. I am told that Environmental Services do not have the

legal authority to refuse to register a property as an HMO, even if it does not have planning permission.

On 14 July 2005 a Senior Planning Investigation officer [REDACTED] wrote to the owner of the Guest House stating he had received the application to register the property as an HMO. The officer reminded the owner of the restriction to 4 rooms, asked him to revert to that use and advised of the need to submit a planning application for consideration as an HMO. If this letter was sent to anyone in Environmental Services or Housing Needs I have not seen a record of it. The letter does not show any evidence of it being copied to anyone within CCC. Later, in a sworn statement in support of an application for a Certificate of Lawfulness (dated 8 November 2012), the owner stated that he had met with [REDACTED] following receipt of this letter and [REDACTED] had "conceded that the property had an established use as an HMO." I do not know if [REDACTED] spoke with Housing Needs or any other senior officers in the before reaching this conclusion.

In any event your nuisance disturbances worsened from 2005 onwards. I note from a letter, dated 7 September 2012, sent by an ASB officer in response to an enquiry by Julian Huppert M.P. that Cambridgeshire County Council referrals included young people placed by the 16+ team, the Youth Offending Team and the Children's and Young People's service. I understand that CCC would not necessarily have been aware of young people being placed in the Guest House by other local authorities. I am told they were careful about placing young people themselves but it did happen on occasion.

The record shows that in or around May 2008 a meeting took place with the Guest House owner to agree the employment of a night manager between the hours of 7/8p.m. and 6a.m. I understand this followed consultation with other residents and was thought to offer a good solution. You reported an improvement and the ASB case was closed in October 2008. It was not re-opened until April 2010. You have advised that although initially there was some improvement the situation steadily got worse until eventually you contacted the ASB team again. You have also advised that the hours of the night manager were frequently not adhered to and did not appear to be monitored by CCC.

A second inter-agency meeting took place with the Guest House owner in 2010. This established a complaints procedure, an incident log, a set of house rules, a clear policy on resident eviction and reiterated the need for night porters. You were informed of this and again reported a quietening down of the situation. You advised me that, again, matters gradually (and more speedily) worsened. You have also said how you tried approaching the owner to deal with issues face to face but found his response intimidating. By April 2010 you had contacted the ASB team again. The case was closed again in December 2011 and re-opened in May 2012.

You have said that throughout all of this time you did not feel able to relax in your home. You have given details of, in your view, trivial incidents that occurred

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frequently, none of which you felt warranted bothering either the Environmental Health or the ASB team, but which left you with a continual sense of anxiety.

You have told me of the costs incurred in building a wall after residents of the Guest House had kicked it down and of the cost of trellising to add height to your existing fence in order to prevent unpleasant items being thrown into your garden. Various, offensive, detritus was thrown into your property and on one occasion a stainless steel dish narrowly missed Mrs Wisbey. You have cited how your garage was flooded by a Guest House resident laying a hosepipe alongside it and your electrical tools destroyed. Your car suffered damage to the roof from so many beer cans being thrown over the boundary. One night you were woken by loud thuds on your window as eggs were thrown at it. On another night the police were called when residents were found trying to climb over your six foot high gates.

It is the case that the ASB team along with Environmental Services responded to escalating incidents and did work towards a cessation of the nuisance. Unfortunately noise nuisance was difficult to establish and not detected by Environmental Services when they visited in 2008. In 2012 Environmental Services contacted the landlord who, I am advised, addressed the issue, albeit temporarily. You have advised me that you declined monitoring equipment because it could not capture the overall problem and you felt it would contribute to your sense of unease in your own home.

The ASB team record shows your first contact with them was in April 2007. This was on the advice of the police. (You have told me that you had contacted the police on a number of occasions prior to this and feel sure you contacted CCC prior to this date.) Mrs Wisbey, in particular, was feeling very vulnerable. During some of this time Mr Wisbey was working away from home and the incidents of aggression were frightening. Furthermore in the early years Mrs Wisbey was still working full time and finding it increasingly difficult to get through the day having had so little sleep. You have said how you both became depressed and very anxious. I have seen the letter written by your G.P. in 2012 which clearly sets out the effect on Mrs Wisbey's health. You describe how you stopped having any enjoyment in your home and no longer used the garden. You told me how you also felt unable to move house as no-one would buy a house with such severe nuisance problems.

The ASB record shows regular contact from 2007 (with two breaks, from October 2008 until April 2010 and another between December 2011 and May 2012) until the decision of North Area Committee to refuse a Certificate of Lawfulness in November 2012. Your record also shows contact with the police (who regularly attended the premises), Environmental Services and Housing Needs along with City Councillors and finally your local M.P. During this time you endured a wholly unacceptable level of hostility, aggression (including personal threats and damage to property) and disturbance. Throughout this time you were asked to complete records monitoring each incident as if each were an isolated event. You completed separate records for the ASB team and for Environmental Services. There was no single point of contact and there does not appear to have been any coordination between the different departments although I understand Environmental Services and the ASB team do, and did, liaise. [REDACTED] of Housing Needs, agreed to monitor the incident logs.

However no action seems to have followed from this. I am told this is because there was insufficient data in the log to assist monitoring work.

I am in no doubt that you complied fully with all CCC requests to report, record and monitor.

It is extremely unfortunate that no-one within CCC thought to check the planning status of the Guest House. Instead regular discussions took place between the owner of the Guest House, and different CCC departments (the ASB team, Environmental Services and, on at least one occasion, Housing Needs) in an attempt to regulate behaviour. From the evidence of the ASB team record all of these attempts had short lived impact. The problem was exacerbated by the fact that other local authorities were also using the Guest House and, although their referrals were causing problems, they had no involvement. I have seen no evidence of any communication between the local authorities concerning the issues raised until the breach of planning consent became known. Furthermore CCC had no power to force the owner to evict individual residents. This is confirmed in a letter to residents dated 8 August 2012 from the ASB team.

Eventually a newly appointed ASB team officer, [REDACTED], requested clarification, from the Planning Department, of the number of rooms that could be let in the Guest House. I have not seen the response to [REDACTED] request but I have seen the email sent to you, in June 2012, concerning this. This states that she had spoken to both the Planning Department and Environmental Services and their view was that the Guest House was classed as an HMO and not a Bed and Breakfast establishment. [REDACTED] email continues, "This means that the Planning Department cannot look into how many rooms are being used in the house as it is not being used as a Bed and Breakfast. It isn't clear whether the owner should have applied for planning consent to change the use (of the B&B) but as other parts of the Council, Housing and Environmental Health inspect the property as per the rules of an HMO, there wouldn't be a case for planning to take action ..."

I do not know who furnished [REDACTED] with this advice. Suffice to say it is astonishing, particularly when in the light of remarks made by the Planning Inspectorate in 2002 refusing the application to extend permitted room use. He wrote, "I consider condition 3 (the bedroom restriction to four) is not only necessary but relevant to planning and the permitted development. It is also enforceable. (my underlining) in that a breach would be easily detected, precise and reasonable in terms of residential amenity."

In dealing with the loss of residential accommodation caused by any extended use the Planning Inspectorate continued, "It would not provide a separate unit for the use of persons employed on the property." Plainly this was an important consideration for a small Guest House quite apart from a HMO housing vulnerable people in a residential area.

The decision of the Planning Inspectorate took account of, "..... the character and appearance of the area, and on the living conditions of local residents with particular regard to noise and disturbance, respectively."

I find it extraordinary that CCC not only failed to uphold the decision of the Planning Inspectorate but encouraged use of the property in direct contravention of it.

I am also concerned that, (despite your continuous involvement with three separate departments of CCC over many years) had it not been for the involvement of your local M.P. local councillors, your G.P. and the Cambridge News, this breach may have continued unabated, resulting in you suffering further ill health and injury.

As you are aware following Patsy Dell's (Head of Planning) confirmation that the 'Guest House' were in breach of planning permission (in October 2012) successful enforcement action has been taken. Given the potential for the owner to obtain a Certificate of Lawfulness, based on the number of years of the breach, this process in itself was extremely stressful for you.

I understand you have now received assurances that CCC will not be placing homeless people in the Guest House. However I understand CCC cannot prevent other local authorities from using the Guest House to accommodate other homeless people.

Conclusion

There are three areas in which CCC failed you. The failure to monitor and enforce a planning breach; the encouragement of that breach by Housing Needs and the failure to deal effectively with chronic neighbour nuisance over a long period of time, by Housing Needs, Environmental Services and the ASB team. I appreciate the limitations under which the latter two departments were working and note the work done by the ASB team, and in particular [REDACTED] in attempting to put the planning issue to the fore.

I am concerned that [REDACTED] enquiry into planning status did not result in a proper review.

I find the failure to take action by Housing Needs of most concern. You have advised that you found the attitude of Housing Needs to be dismissive and this you have evidenced by an email from [REDACTED] dated 18 April 2012 in which he responded to a report, by you, of an intimidating conversation with the Guest House owner. The detail is on file. Housing Needs plainly had a conflict of interest. They wished the HMO to continue in order to meet their duty to house. It is certainly arguable that had the Guest House not been used by Housing Needs the disturbance may well have resulted in appropriate enforcement action earlier.

Recommendations

In reaching my recommendation on remedy I have considered the Local Government Ombudsman (LGO) guidance on remedies.

I have advised you that although CCC's use of the Guest House as an HMO began in 2005 it is equitable for any compensation to run from when CCC first had knowledge of the problem. This, from the ASB record, is in early 2007; a period of five years in total.

I consider the statutory nuisance you endured over time to have been severe and to have been compounded both by CCC's own actions in designating the Guest House as an HMO with use of nine rooms (in breach of planning permission) and by its failure to take enforcement action. I also consider you fully complied with all requests to monitor and report matters.

For all elements I recommend compensation of £2000.00 per year for five years. A total of £10,000.00. In addition I recommend the sum of £250.00 as a time and trouble payment in consideration of the time taken in pursuing your complaint. You will be notified, by Simon Payne, of CCC's decision concerning this recommendation.

In the light of the above I propose the department consider the following recommendations. It may be that much of the following is already in place, in which case ways in which to improve the effectiveness of these procedures should be considered. I am also aware of resource limitations and the need to prioritise:

- That an internal investigation seeks to establish how, given the Planning Inspectorate decision of 2002, a change of status to an HMO with nine rooms, was permitted in 2005.
- That when any licence for an HMO, or any other form of emergency accommodation is issued, the Planning Service provide written advice to the applicant about the status of the planning position and any subsequent action is followed up, as necessary, by the Planning Service.
- That a designated officer, within planning, is assigned to maintain, update and monitor a central record for this purpose.
- That a full review of staffing needs in such premises is undertaken and made conditional on the granting of a licence. This should be recorded where all involved departments can access it and be properly monitored.
- Before any referral is made to premises used for temporary accommodation, a note should be put on file showing a planning status check has been done together with a note of the number of rooms already occupied to avoid any use beyond that permitted.
- That an agreement is reached between Local Authorities concerning ASB and lack of management. There was no effective co-ordination in this case even though one of the most disturbed and disturbing occupants was a South Cambridgeshire referral.
- That effective monitoring of conditions and requirements takes place. The owner of the Guest House frequently failed to comply with conditions and no action was taken.

- Where different departments are involved a single point of contact should be established and a central register of complaints kept. I appreciate this was arranged for Mr & Mrs Wisbey but not until 2012. Prior to this time there was a lack of communication between different departments.

Please be advised that if you are dissatisfied with the outcome of my investigation, you may refer your complaint to the Local Government Ombudsman whose contact details are:

Dr Jane Martin
Local Government Ombudsman
PO Box 4771
Coventry CV8 0EH
Tel: 0300 061 0614 www.lgo.org.uk

Yours sincerely

Corinne Hibbert
Independent Complaints Investigator

Appendix 2

Timeline for complaint concerning nuisance caused by the use of the Guest House at 70 Green End Road.

Prior to 2000 the premises previously registered with the Council as a HMO under the notification and Registration Scheme 1993.

2000

- August- Request from Housing Advice to inspect to see if the property was suitable for homelessness clients, works were required , however due to the uncertainty of the status of the property these works were not pursued at the time. The property eventually became up to standard in July 2005– see below

2001

- March- A letter was sent to register the premises under the new CCC (registration of HMO) Control Scheme 1999. The Landlord informed the Council that he would no longer be taking clients from CCC and therefore the house would no longer be an HMO.
- Planning Services: refusal of permissions to extend guest house use and have more than 4 letting rooms

2002

- February- A complaint was received by Environmental Health (EH) regarding disrepair, an inspection was carried out and a list of works was needed. Upon inspection Officer determined that it was a HMO for homelessness B&B and needed to be registered.

2003

- The Housing Advice Team (HAT) started using Green End Road to place homeless or potentially homeless people.

2004

- January- Housing Standards advised Housing Advice not to use the property as it was not registered and was not up to standard.
- November- The HAT received the registration form and following various inspections and follow up the property became up to standard and it was registered in July 2005 for 9 people. Following registration Housing Advice started to use it again.

2005

- June/August -Registration as a 9 person HMO was sent to the Planning Enforcement Team. A Letter requesting planning application sent. Owner discussed with Enforcement Officer but no investigation undertaken or action initiated.
- A copy of the certificate stating it was registered for 9 persons sent to Planning and Building Control on the 13th July 2005. This was part of EH procedure to inform colleagues which premises had registered and for how many.
- September 2005- EH received a complaint from 71 Green End Road regarding loud music from 70 Green end Road, the complainant was asked to keep a diary and the owner of 70 Green End Road was also written to, to inform him that complaints had been received. No further complaints were received and diary sheets were not returned. No further action was taken. Again in September 2005 EH received notification that the fire alarm had been activated during the previous evening which was investigated and resolved.
- November 2005- EH received a complaint regarding the condition of the property from a Housing Officer from South Cambridgeshire who was placing clients in there. This was investigated and resolved with the owner.

2007

- 17th September First telephone call from complainants recorded on the Safer Communities Team (SCT) database. Assessed as low level noise issue, provided with Environmental Health out of hours contact, and advised to begin recording any subsequent incidents. Complaint followed up with Guest House owner and feedback provided to the complainant. Case closed after three months as no further complaints made.
- 17th September Case reopened by SCT following complaint about visitors to the Guest House and attitude of the owner when approached. Case closed again when no subsequent incidents.
- September- A programmed HMO inspection was carried out. Only a few minor items of disrepair were found to be outstanding In December 2007 EH received a complaint from Mrs Wisbey regarding overflowing bins. Officers investigated and additional bins were obtained and the area was cleared.

2008

- In 2008, seven incidents took place which included various noise nuisances, a rubbish complaint, occupants next to the property looking into the garden of the complainant, a housing inspection at the request of the Housing Advice Team due to a bed bug allegation and a complaint about a security light shining into the neighbouring property.

- All of these issues were investigated by the appropriate Department and followed up with the owner.

2010

- There were five reported incidents that occurred in 2010. These included a complaint about excessive noise, damage to fencing which culminated in a police arrest, a garage fire, a complaint about the general condition of the property and a reported incident involving a member of the complainant's family being approached and pestered by a resident at the Guest House.
- These issues were dealt with and followed up with the owner.
- 29th April- a meeting was held with ASB Team, Housing Advice, Police EH and landlord to discuss the issues. It was agreed that the Landlord would employ a night manager who would be on site all night.

2011

- Following some incidents of items being thrown into the complainant's garden and a disagreement between them and the Guest House owner over a repair to the fence, the SFC and HAT suggested mediation as a way forward. This did not happen but the complainant acknowledged their appreciation of the attempts by Council staff to assist them.
- In September, a resident that had been causing disturbance was evicted.
- 6th September- Staff from the SCT and HAT offered themselves as direct contacts to the complainant for any future incidents
- A complaint regarding the condition of the property was received from a care worker in December. An officer from EH carried out a full programmed inspection and issued the landlord a schedule of works. A follow up inspection took place in February 2012 where all the works had been completed.

2012

- Over twelve episodes of noise nuisance were recorded and investigated throughout 2012. All of which were dealt with to the agreement of the owner.
- June- ASB team spoke to Enforcement. Initial investigation suggested enforcement immunity period exceeded so no further action initiated.

- June- There was correspondence between ASB and EH. The EH was offering advice to ASB regarding the HMO status of the property and the fact it does not require a License for the purposes of Housing standards legislation.
- August- Email from Clare Blair to Patsy Dell, Head of Planning Services, complaint investigated.
- 20th August—Environmental Health received completed diary sheets from Mrs Wisbey.
- 21st August- An Officer from EH and ASB Team met with Mrs Wisbey and explained to her what each of the teams are doing and that she needed to contact the OOH service when being affected by noise. She was also informed of the forthcoming interagency meeting that was being held
- On the 30th August a Multi agency meeting was held with ASB, Housing Advice, EH, South Cambs and Police. Which Mrs Wisbey was aware was taking place. A number of actions came out of that meeting
- On 31st August- A complaint from Mrs Wisbey came in at 18.30 before an officer had gone on duty. At 19.00 the duty Officer contacted Mrs Wisbey who had said that it had started at 17.00 and she had called Ms Blair who asked the tenant to turn it off.
- September-The complaint investigation was completed in Planning Services
- 4th September- Mrs Wisbey contacted EH to say things have much improved and wanted to know if the Council had done anything. Advised that the Council had written to the owner again and the Housing Officer had been in contact with him.
- 5th September- EH Officer rang Mrs Wisbey to see how things were and to make arrangements to install the equipment. Mrs Wisbey stated things were much better and it was agreed not to install the equipment.
- September- A Planning Contravention notice was served.
- 25th October- A briefing was organised with Alan Carter with Housing Advice, ASB and EH.
- Housing Advice no longer putting placements in, nor were South Cambs. East Cambs not responded. Planning enforcement wrote to owner requesting retrospective planning application
- The main person responsible for the noise was evicted in October 2012 and since then there have been no noise complaints.

- November – North Area Committee authorised service of an enforcement notice

2013

- January – An application for certificate of lawful use was refused
- January- A Complaint about rubbish in garden, which was investigated and resolved.
- February - Enforcement Notice served
- June- Property checked, no more than 4 rooms being occupied
- September- Property checked. Full compliance with Enforcement Notice being reviewed with Legal Services
- 12th September- Background detail and information requested by Head of Planning and Planning enforcement sent

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