

## **Committee of Management for the National Codes of Standards for Large Student Developments**

### **Minutes of Committee of Management Meeting**

held at 2.00pm on Thursday 7<sup>th</sup> September, 2006, at The British Property Federation, 1 Warwick Row, London

**Present:** Mr Neil Marsden (ANUK and Chair), Mr Jason Bains (Derwent Living), Mr Stuart Black (London Metropolitan University), Mr Martin Blakey (Unipol), Mr Bob Crompton (Victoria Hall), Mr Heriberto Cuanalo (CRM), Mr Graham Donaldson, (Mainstay Group), Mr Gavin Duncan (Opal), Mr Ian Fletcher (ANUK), Ms Agnes Gautier (NUS), Mr Charles Kerr (UPP Projects Ltd), Mr Jeff Preen (Liberty Living), Mr Ian Robertson (University of Leeds), Mr Paul Rowlinson (Shaftesbury Student Homes), Mr Robert Russell (Association of Colleges), and Mr Nick Stanton (UNITE).

**In Attendance:** Mr Simon Kemp (National Code Administrator), Mr Phil Alker (Department for Communities and Local Government)

**Apologies:** Mr Mark Allen (UPP Projects Ltd), Mr Andrew Cardy (UUL), Mr Jeff Childs (Welsh Assembly), Mr Tim Cobbett (UUK), Mr John Daniels (DCLG), Mr Andrew Griffiths (CIEH), Mr Paddy Jackman (UUK), Ms Veronica King (NUS), Ms Claire Powrie (AMOSSHE) Mr John Ripley (Victoria Hall), Mr Terence Treadwell (ASRA), Ms Anne-Marie Watkinson (Unipol) and Mr Keith White (CRM)

The meeting began at 2.00pm. The Chair thanked The British Property Federation and for hosting the meeting and then asked members to introduce themselves. He then invited Mr Phil Alker (DCLG) to give a presentation on the proposed Tenancy Deposit Protection Scheme.

It was agreed that the National Code Administrator would send all members of the CoM a copy of Phil's presentation. The Chair thanked Phil for attending the meeting.

### **Minutes of the Previous Meeting**

These were **APPROVED** as being a true and accurate record of that meeting.

### **Matters Arising**

#### **Housing Act Briefing for HEIs**

The National Code Administrator reported that both of the briefing events held in June had been well attended and, on the evidence of the feedback forms returned, well received. Agnes Gautier reported that as a result of the briefing it had been agreed that NUS would aim to hold at least one event on student accommodation issues a year. Martin Blakey informed the meeting that Unipol were planning to hold two further joint events with DCLG – this time on the Tenancy Deposit Scheme – later in the year and CoM members would receive a circulation for that soon.

#### **Universities UK Code and its Governance**

It was agreed at the last meeting of the Committee of Management that UUK's representatives would feedback on the development of proposals for the governance of the UUK Code. Unfortunately, all three reps had tendered their apologies for this meeting. However, Tim Cobbett supplied a copy of a letter that had been sent to John Daniels (dated August 3<sup>rd</sup>) of DCLG which set out the arrangements for governance, copies of which were tabled.

The Committee welcomed the fact that this information was being placed in the public domain for the first time, but it was unclear as to what status these initial proposals had as they were clearly initial thoughts. Martin Blakey confirmed that this was the first time that ANUK/Unipol had been contacted about this matter.

There were also governance issues relating to whether the proposal to link the annual review process to internal audit procedures carried out by educational establishments were adequate, as such audit procedures would not necessarily take into account compliance with the UUK Code unless institutions were urged to do so in some kind of systematic and comparable manner by UUK.

There were also questions over the fact that those on the Committee would be reviewing their own institutions and this would raise serious issues relating to possible conflicts of interest. CoM members were reminded that under the ANUK/Unipol Code a separate Audit Panel had been created to address this very problem. There were also concerns about the frequency of the meetings and the lack of housing practitioners on the Committee.

The Committee **AGREED** that these initial proposals formed a useful first step but concluded that, since it was flagged that the first meeting was unlikely to be held before December, the first annual report from ANUK was likely to conclude that no progress had been made on convergence because there was no UUK mechanism to allow meaningful discussions to take place.

#### **Energy Charging and Sustainability**

The National Code Administrator thanked the five members of the CoM who had responded to his request for any thoughts and suggestions on this area, which were reproduced in the papers for the meeting. It was **AGREED** that other members be invited to respond in similar terms so that a comprehensive picture of current practice could be constructed.

#### **ANUK Guidance on HMO Licensing for Larger Developments**

Following the request made at the last meeting of the CoM, guidance on how local authorities have been approaching the licensing of larger developments has been produced (it is now available on the ANUK website).

The Chair of the CoM reported that he has met with LACORS (the Local Authorities Coordinators of Regulatory Services), who would be giving further consideration to the interpretation of large buildings that may or may not consist of self-contained flats on less than three storeys with less than five occupants. He suggested that it might be worth him writing to DCLG on this matter and this was **AGREED**.

Heriberto Cuanalo (CRM) asked for clarification on how the issue of licensing of large developments was being approached in Scotland. He was advised that although Scotland has had a licensing regime in place for several years, both the standards and costs are determined by the appropriate local authority. However, they would have to be able to justify the costs of licensing and so were open to challenge.

The National Code Administrator reported that one London-based member of the Code had not been offered a discount on the costs of licensing by the London Borough of Hackney. John Daniels wrote to the authority concerned (a copy of which was included in the papers) highlighting the fact that the Government had hoped membership of an approved Code of Practice would lead to significantly reduced HMO licensing fees for the provider concerned. Martin Blakey informed the meeting that he had spoken to the co-ordinator of the London Landlord Accreditation Scheme about the possibility that private providers with developments in London, and who were signed-up to the ANUK/Unipol Code, could become honorary members of LLAS. This has yet to be agreed.

Jason Bains asked whether John Daniels letter had been effective. The National Code Administrator reported that although Hackney has responded to the provider concerned, they have still not been offered a discount. It was reported that John Daniels had been sent a copy of Hackney's latest letter and it was thought that he would be corresponding with the borough once again. It was **AGREED** that DCLG should report back on this matter at the next meeting.

#### **Welsh Assembly**

The National Code Administrator reported that although a date had been agreed with the Welsh Assembly for a briefing on the Housing Act, problems had arisen with provision of a

venue. It had been hoped to hold the event in a Welsh Assembly building – as this would have underlined the fact that it was being supported by the Welsh Assembly. Further discussions therefore need to take place with the Welsh Assembly about this in the near future.

### **ANUK Website**

The CoM was informed that a number of documents had recently been posted on the ANUK Website, including the ANUK/Unipol/UUK/SCOP protocol agreement.

NUS had been asked to provide the National Code Administrator with a high resolution version of the National Code logo, which will also be posted onto the website.

Members were invited to submit any ideas on how the relevant section of the ANUK website could be improved.

### **Update on Code Membership**

The National Code Administrator introduced a paper setting out the latest details of how many bed spaces were covered by the ANUK/Unipol Codes and which suppliers had recently joined. It was reported that a total of 79,286 bed spaces were signed-up to both Codes, an increase of 6.8% since the last meeting of the CoM. In terms of the Codes separately, 62,827 were in developments not managed and controlled by educational establishments and 16,648 were in accommodation managed and controlled by them.

Five new suppliers had joined since the last meeting of the CoM, three of which were educational establishments. One of the private providers who had joined – the Mainstay Group – had been invited to join the CoM as they had more than 2000 bed spaces and the Committee WELCOMED Mr Graham Donaldson from the Mainstay Group who was attending his first meeting .

The CoM **AGREED** that the National Code Administrator should write to educational institutions, in co-operation with UUK, and student unions, drawing attention to providers operating in their areas which had signed-up to the Code, stressing the advice that educational establishments should not do business with those outside of the Code. It was **AGREED** that the National Code Administrator would circulate a draft of this letter to members.

Martin Blakey wondered whether it would be helpful if copies of the Statutory Instruments sent out by DCLG were circulated to members of the CoM as a matter of course. This was **AGREED**.

### **Assessment and Verification Methodology**

The National Code Administrator introduced a paper detailing latest developments with the self-assessment and verification procedures.

As agreed at the last meeting of the CoM, copies of the revised self -assessment questionnaire had been circulated to the existing members (not including the three members who volunteered to take part in the pilots) of the two ANUK/Unipol Codes, and they were asked to complete and return these by August 25<sup>th</sup>. It was reported that, as of September 7<sup>th</sup>, twenty-five out of the thirty-one members had done so.

The National Code Administrator reported that a number of members had experienced some problems in completing the questionnaire, and had been required to supply additional information. It was suggested that before the next self-assessment questionnaire was distributed to members that some thought be given to whether certain questions should be revised, and whether any guidance notes would be beneficial.

The CoM agreed that the self-assessment process was a vital part of the Code verification and audit process and, as non completion of the self-assessment process was itself a breach of the Code, it was **AGREED** that the following action be taken:

- a deadline of Monday 2nd October 2006 was set for members to return their self assessment forms
- after that date, if the assessment had still not been completed, a verification visit would be planned to one or more on site locations and the head office, with the provider given 24 hours notice of the visit;
- a supplementary fee of £750 would be levied for each site visited.

The National Code Administrator would inform the members affected of this decision within the next week.

The National Code Administrator would arrange for the returns received to be analysed and the results would be reported to members of the Audit Panel before Tuesday 31<sup>st</sup> October. The Audit Panel would also be presented with a proposed timetable for the planned verification visits to members who completed the self-assessment questionnaire within the given timescales.

It was also reported that a first meeting of members of the Audit Panel took place on August 16<sup>th</sup>. Mr Colin Chapman (from Bentley Jennison Consulting) made a presentation outlining the background to the assessment and verification procedures and the outcomes of the pilots of the self-assessment questionnaire and verification visits which he conducted in 2005/2006. The Panel also discussed some preliminary operational issues, such as frequency of verification visits, training for conducting the visits and production of standard documentation for the entire self-assessment and verification process. Draft copies of some of the standard documentation for recording the results of the self-assessment process were circulated at the CoM meeting.

The Committee thanked the Panel members for making their time available, Mr Neil Marsden and Mr Ian Fletcher (ANUK), who were present at the meeting and Mr Andrew Griffiths (CIEH).

#### **Proposed Alterations to the Codes**

The CoM was invited to consider and approve as necessary a number of amendments (that would apply to both ANUK/Unipol Codes) and to decide:

- whether to amend the existing clause or whether further consultation and consideration would be appropriate;
- if they did wish to amend the clause whether it should take effect from 1<sup>st</sup> Jan 2007 or 1<sup>st</sup> Jan 2008.

**Clause 2.07** – Following discussions at the previous CoM, an alternative form of wording was proposed. Jason Bains proposed amending the reference in the second paragraph to educational establishment with ‘accommodation provider’. This was agreed. Paul Rowlinson asked whether the clause would not be stronger if it required providers to pay compensation to tenants rather than cover the costs of hotel accommodation. Gavin Duncan wanted to know whether “arrangements for... meals to be provided” would include giving tenants the money for meals. It was **AGREED** that this clause needed further consideration and that the National Code Administrator would re-circulate the wording (with agreed amendment) by email before the next CoM meeting and invite further comments and that the existing wording in the Code would therefore remain unchanged for a further year until January 2008.

**Clauses 3.01 & 3.02** – The CoM **AGREED** the proposed amendments:

**13.01** Where access is required for routine inspections, each affected tenant receives notification of the date, time and purpose of the visit not less than 24 hours in advance, except in circumstances where issuance of such notice is impractical; and that tenant privacy and entitlement to quiet enjoyment is respected. **Where a regular cleaning service is provided this notice is inapplicable so long as cleaning staff access the tenant’s premises in line with information given at the commencement of the tenancy regarding the provision of cleaning services.**

**3.02** Where a building is under snagging and defect procedures being undertaken by the builder and work needs to be carried out on a regular basis, tenants are informed of this and the timescale for the programme of works in advance of those works. Where practical, the contractors and their subcontractors will be escorted by a representative of the owner/educational establishment to ensure that access is properly ordered and that work being undertaken is not unduly disruptive to occupants. **Contractors should not enter against tenants wishes unless required to do so by the owner because of an emergency.**

and **AGREED** that these should come into effect from January 2007.

**Clauses 3.15 – 3.18** – Neil Marsden introduced the proposal to amend the existing three clauses which relate to kitchen provision with one single clause. He prefaced his remarks by stating that the intention was to bring the Codes in-line with the amenity standards as set out in the 2004 Housing Act, which related to bathrooms and WCs. He suggested that it might be better to postpone discussion on these amendments until some wording relating to the other amenities could be framed, which he volunteered to do. It was **AGREED** that the proposed alternative clauses to replace the existing 3.15-3.18 be debated at the same time as proposals on bathrooms and WCs were being considered.

Discussion of the remaining proposed amendments – clauses 4.09, 4.10, 4.19 and 4.20 – were postponed until the next meeting and it was **AGREED** that, subject to the above changes, the remainder of the Code would be unchanged from January 2007 year.

The National Code Administrator tabled a draft pro-forma, designed for use by members when proposing future alterations to the Code, and invited comments. A copy would be emailed out to members before the next CoM.

### **2007 Outline Budget**

A paper was introduced setting out the budget and proposed fee structure for 2007. The paper identified a number of factors that would need to be taken into consideration when setting the budget, these included:

- More resources to improve communications, including the development of a PR strategy which would require money setting aside for external consultancy;
- Additional consultancy costs for developing the self-assessment and verification procedures;
- Increased office expenses;
- More limited scope for membership growth because most of the large providers have now joined.

It was noted that even allowing for a grant from DCLG there would be an income gap of around £16k, which even with economies meant that membership fees would have to be increased.

It was proposed that:

- Existing Code members pay a fee of 77p per bed space (excluding VAT) for the period January 1<sup>st</sup> to December 31<sup>st</sup> 2007;
- New Code members joining from 31<sup>st</sup> December 2006 should pay 0.87p per bed space (excluding VAT);
- The maximum fee limit, currently set at 12,500 should be removed;
- The minimum fee limit of £150 should be increased to £250.00

The Committee of Management were asked to agree the fee levels in order that a final budget could be presented to the next CoM for approval in December 2006.

Mr Nick Stanton (UNITE) was concerned about the proposal to remove the maximum fee limit, which would result in a very substantial increase for his organisation. It was confirmed that the proposals to remove the ceiling would only affect his organisation which would otherwise see its fee rise from £12,500 to an estimated £19,000 and the Committee therefore

**AGREED** to reconsider the matter. After discussion, and at the helpful suggestion of Mr Stanton, it was **AGREED** that the fee for Unite would be reduced to £15,000 (exc VAT) for the 2007 year. The Committee were reminded that all fee levels were reviewed annually and therefore this matter would come up for reconsideration at a similar time in 2007 for 2008.

Mr Stanton (and UNITE) were **THANKED** for their cooperation and their ongoing support for the Code.

A member of the CoM asked whether there were any other possible avenues for raising revenue, such as sponsorship. Martin Blakey agreed that this might be a possibility in the future, but was dependent on increasing the profile of the Code. It was **AGREED** that the issue of sponsorship be discussed at one of the CoM meetings to be held in 2007.

#### **Training of Staff in Matters Relating to the Code**

The National Code Administrator introduced a brief paper setting out the idea of offering training for staff employed by members of the Codes on a variety of matters relating to the Code. The CoM was invited to discuss whether they would be interested in such events, which could possibly take place in November or December.

The CoM was generally supportive of the plan and it was **AGREED** that the National Code Administrator should email out further details to all members.

#### **Code Publicity and Awareness**

Discussion on a paper relating to these issues was postponed until the next meeting.

#### **Any Other Business**

##### **ASRA Website**

The CoM was informed that the Association for Student Residential Accommodation had launched a new website – [www.asra.ac.uk](http://www.asra.ac.uk) – and any members who wished to contribute to it were invited to contact Terence Treadwell.

##### **Pilot Scheme for New Insurance Initiative**

The National Code Administrator reported that he had been approached by a company which was looking to develop an insurance arrangement specifically for providers with large student developments. They wished to pilot the scheme first and wanted to know if any members of the Code for non educational establishments wanted to take part.

The CoM was unhappy that it was being approached by a commercial organisation as it did not see itself as playing such a role. It was suggested that the company contact individual providers directly.

##### **Salary Survey**

Martin Blakey reported that he had spoken to a number of professionals within the student housing sector who wanted to know what salaries were being paid in the sector. He felt it might be possible for a consultancy to conduct a survey – which providers could then decide to take part in. The information would be treated confidentially. He **agreed** to email members of the CoM with further details.

##### **Deposit Protection 'group' deal**

Ian Fletcher wondered, following Phil Alker's earlier presentation on the Tenancy Deposit Protection Scheme, whether there might be some scope for trying to negotiate a group deal from one or more of the insurance providers that were likely to be operating the scheme. He **agreed** to contact one or both and ask if they would be willing to attend a future CoM meeting.

##### **Date of Next Meeting**

The National Code Administrator reported that the next meeting was scheduled to take place on Friday December 8<sup>th</sup>. NUS had originally agreed to host it, although given the current size of the CoM it was **AGREED** to check to see whether their committee room could hold 30 people. If not then another London venue would be required.

The meeting closed at 4.30pm