

Committee of Management for the National Code of Standards for Large Student Developments.

Minutes of Committee of Management Meeting

held at 11.00am on 9th December 2005 at the National Union of Students, London

Present: Mr Dennis Hopper (University of Leeds and Chair), Mr Mark Allen (UPP), Mr Stuart Black (London Metropolitan University), Mr Martin Blakey (Unipol), Mr Andrew Cardy (UUK), Mr John Daniels (ODPM), Mr Gavin Duncan (Opal), Ms Veronica King (NUS), Ms Claire Powrie (AMOSSHE), Mr Charles Marshall (Liberty Living), Mr John Ripley (Victoria Hall), Mr Paul Rowlinson (Shaftesbury Student Housing), Ms Anne-Marie Watkinson (Unipol) and Mr Keith White.

In Attendance: Mr Colin Chapman (Bentley Jennison Consulting), Mr Simon Kemp (National Code Administrator) and Mr Terence Treadwell (ASRA).

Apologies: Mr Ian Fletcher (ANUK), Mr Neil Marsden (ANUK), Mr Andrew Griffiths (CIEH), Mr Paddy Jackman (CUBO), Ms Agnes Gautier (NUS), Mr Tim Cobbett (UUK), Mr John Ripley (Victoria Hall) and Mr Nick Stanton (UNITE).

Minutes of the Previous Meeting

The minutes of the meeting held on 7th October 2005 were **APPROVED** as being a true and accurate record of that meeting.

Matters Arising

Code Certificates of Membership

The National Code Administrator apologised to the meeting for not having revised versions of these available for the meeting. It was agreed that these be circulated via E-mail once ready, with any comments invited, before production of the finalised version.

FE and Smaller Colleges Briefing on the 2004 Housing Act and Codes of Standards/Practice

The National Code Administrator reported that this event had taken place on Friday 18th November 2005 and, despite a smaller than expected level of attendance, was very useful. The ODPM were **THANKED** for their support of this event and for fielding a strong team of speakers. In addition to delegates from FE and smaller colleges a small number of delegates from universities had also attended.

In discussion it emerged that the main benefit of the day had been to set the Approved Codes of Practice into a much wider framework relating to the Housing Act, particularly the HHSRS and mandatory licensing and to underline the public policy intention of this legislation for student housing, particularly to improving the professionalism and raising the management standards of those providing accommodation.

Mr Terence Treadwell, from ASRA, had attended the event as a delegate from the University of the Arts and felt that, like many in the University sector, he had not fully understood the wider picture and he felt certain that ASRA members, generally, would welcome an opportunity to have this explained to them.

In discussion it was raised that this event would be too late to persuade universities to sign up to various Codes because this would have to be done before that. The view was reaffirmed, however, that most universities would, at this stage, still only have limited idea of what membership of the Codes would mean and would still welcome the "bigger picture" view of how this fitted into the overall provisions of the Act. It was also felt that not all HE establishments would have signed the Code by that time, despite reminders, and the event would form a useful focus for institutions that were lagging behind in accepting the impact of the Act.

As a result of this it was **AGREED that a second event be held**, this time geared specifically to universities. The meeting agreed with this and ODPM agreed to sponsor the event, as it had the previous one. It was also agreed that it would be better to give more advanced notice of the event than was possible previously and that the event should be held in late February with, ideally, a date being set and made available before Christmas.

Previously, the day had been supported by NUS, UUK, ANUK, Unipol and ODPM and it was hoped that the "consortium approach" could be replicated. The conference arrangements would remain the same with a £25.00 fee being charged to cover administration and paperwork.

Membership of the Committee of Management

Martin Blakey introduced a paper that made certain recommendations as to the core membership of the CoM for 2006.

It had been agreed with UUK that their nominees were to be Mr Andrew Cardy, Mr Tim Cobbett and Mr Paddy Jackman.

The CoM were reminded that each supplier signed-up to the Code with 2000 or more bed spaces covered by the Code had a right to representation with a nominated member but that it was necessary to signal the option to take up that right.

It was **AGREED**, in respect of UPP, that although they had yet to reach the 2,000 bed threshold, in recognition of the fact that they would have the requisite number of bed spaces signed up to the Code in January 2006 and the fact that they were a founder member who had given the initiative strong support, they would be entitled to a nominee and would be represented by Mark Alien.

Three other supplier places were available for election by the other owners and the following were nominated: Mr Paul Rowlinson; Mr Stuart Black and Mr Keith White and this was **AGREED**.

It was further **AGREED** that Claire Powrie be co-opted by CoM to represent AMOSSHE and AMOSSHE were **THANKED for their support and input over the last year**.

Membership of ASRA was still under discussion. Terence Treadwell, on behalf of ASRA stressed that although they had not been nominated by UUK, they would have found it difficult to function as a UUK representative when it was their primary aim to represent ASRA members. ASRA wished to remain involved with the CoM and accepted that it was important, for the sake of continuity, to have a regular member who attended and agreed to resolve who they would be appointing as their named representative. Subject to a

continuous nominee being forthcoming **the CoM AGREED to co-opt that member** to the Committee.

A question was raised about additional membership and it was **AGREED that Mr Julian Gravett** from the Association of Colleges be asked to represent them at future meetings. It was also **AGREED that the Department for Education and Skills be approached once again** and asked to nominate a representative.

In summary. Membership of the CoM for 2006 was therefore:

The Committee of Management (CoM)

Two members nominated from each of the Consortium member:

The National Union of Students (NUS)

Ms Veronica King, Vice President, Welfare NUS, London

Ms Agnes Gautier, Research and Policy Officer, NUS, London

Unipol Student Homes

Mr Martin Blakey, Unipol, Chief Executive, Leeds

Ms Anne-Marie Watkinson, Unipol, President, Leeds Metropolitan University Students Union,
Leeds

Accreditation Network UK (ANUK)

Mr Neil Marsden (Chair), ANUK, Department of Housing Services, Leeds City Council,
Leeds

Mr Ian Fletcher, ANUK, British Property Federation, London

One member nominated from each of.

Office of the Deputy Prime Minister (ODPM)

Mr John Daniels, Head of Branch, Housing Private Sector, Office of the Deputy Prime Minister, London

Chartered Institute of Environmental Health (CIEH)

Mr Andrew Griffiths, Chartered Institute of Environmental Health, Chadwick House London

Department for Education and Skills (DtES)

No nomination received

Three members nominated from Universities UK

Mr Andrew Cardy, Director of Estates, University of Portsmouth, Portsmouth

Mr Tim Cobbett, Policy Adviser, London

Mr Paddy Jackman, Head of Commercial Services, Imperial College, London

One member nominated from any owner or operator with over 2,000 bed spaces covered by the Code Mr Nick Stanton (UNITE), Mr Jeff Preen (Liberty Living), Mr Gavin Duncan (OPAL), Mr Dennis Hopper (University of Leeds). Mr John Ripley (Victoria Halls), Mr Jason Bains (Derwent Living), Mr Mark Alien (UPP)

3 others to be elected by owners

Mr Paul Rowlinson, Shaftesbury Student Housing, London

Mr Stuart Black, London Metropolitan University, Head of Accommodation and Infrastructure,
London
Mr Keith White, CRM (Managing Director)

Co-Options

The CoM is allowed to make a number of co-options and the following were co-opted for one year for 2006: Ms Claire Powrie, AMOSSHE, Head of Student Services Birmingham
Mr Julian Gravett from the Association of Colleges A member to be nominated from ASRA

Application for Approved Status and Proposed changes to the Codes

John Daniels reported that ODPM had collated all the responses to their consultation on the ANUK and UUK codes and will shortly be publishing those findings.

The next stage would be for Ministers to decide which, if any of the Codes, would be approved and that details of these would appear in Statutory Instruments to be released in February. He also reported that the SI would need to state which educational establishments/private providers were members of any approved codes. Although colleges that had not joined by the due date could be listed in subsequent SIs, there were strict rules about the number of SIs that could be introduced within a given period of time and there would be a six months gap before an updated list could be approved.

As part of the consultation and the feedback from it from individual responses, a number of changes were being suggested to the National Codes for 2006.

Martin Blakey introduced this paper. The changes included rectifying some drafting errors, mainly to make reference to amenity standards set by local authorities in such developments and a proposal to reduce the definition for a large development from 25 to 15. **The following amendments were AGREED:**

Codes for both Educational Establishments and Non Educational establishments

Replace in the second paragraph of the introduction 'Student accommodation that is occupies solely... ' with "***student accommodation that is occupied solely...*** "

Replace the exiting clause 3.16 - "Food storage and preparation facilities comply with levels of provision laid down by the Local Authority Environmental Health Department for developments of this type", with "***Food storage and preparation facilities comply with levels of provision laid down by the Local Authority for developments of this type***".

Replace the existing clause 3.19 - "An adequate number of suitably located WCs, baths and showers are provided with a constant supply of hot and cold running water", with " WCs, ***baths and shower facilities comply with the levels of provision laid down by the Local Authority for developments of this type***".

As part of the UUK Protocol it was suggested that both UUK and ANUK should agree on a definition of the coverage of the Codes in respect of 'larger buildings' and the following definition was suggested, "The Codes are not designed to cover smaller shared student houses located off campus and/or in the community. Where this is the case the Codes will not cover houses and complexes where the occupancy is under 15."

The suggested wording contained a certain ambiguity and **it was AGREED that this should be reworded outside the meeting but that the principles of the change were ACCEPTED.**

Note: the wording has now been tightened to read "Dwellings located off campus, with less than 15 occupants, are not covered by this Code and are no therefore excepted from the definition of an HMO under Schedule 14, paragraph 4 of that Act and normal licensing provisions through the Local Authority apply. Where a dwelling is located on campus this is regarded as covered by this Code where services and facilities are provided for those residents elsewhere on campus."

Development of the UUK Code of Practice

Mr Andrew Cardy and Ms Veronica King reported on a meeting that had been held between UUK, NUS and the Higher Education Regulatory Review Group (HERRG). Both reported that it had been an unproductive meeting with HERRG.

A subsequent meeting of UUK and NUS had been held and had resolved a few issues but NUS remained opposed to the Code in its current format because of the lack of benchmarking in the standards, the fact that many issues that it as concerned about were not yet included and there was no clear complaints, assessment and verification systems. Most importantly of all, it was not clear what resources would be used to run and manage the Code and, up to now, only an annual meeting of some form of Committee of Management was planned which would be insufficient to oversee their Code.

John Daniels reported that ODPM had only just been sent a revised version of the UUK Code and asked that NUS write to him clarifying their position on the revised UUK Code. NUS confirmed that they had not yet been sent a final version of the draft.

Martin Blakey, on behalf of ANUK, reported dissatisfaction with the fact that HERRG had not contacted ANUK at all about the ANUK Codes whilst feeling free to comment on them from a position of a serious lack of information and knowledge. The ANUK Steering Committee had also expressed the view that HERRG's attitude to the Housing Act, arguing that the Act itself nor the Codes should apply to students in educational managed accommodation, was in danger of confusing bureaucracy with standards and could result in leaving students unprotected under the Act which would result in putting students at risk.

It was also reported that Ministers from ODPM will be writing to the DfES (the parent body of HERRG) to ask for their position on the Codes and NUS announced that they would be doing the same,

It was clear that much needed to be done in relationship to finalising the UUK and some of the procedures around it and the CoM reiterated its offer of help and assistance to UUK, particularly in the disputed areas of complaints, assessment and verification systems. The CoM and ANUK had earlier offered UUK use of its existing Tribunal system, which carried the confidence of NUS, and this offer remained open.

ANUK/UUK draft Protocol agreement

Martin Blakey introduced the paper setting out the details of a protocol agreement which had been drawn up between ANUK and UUK on how the different Codes would work with one another.

He highlighted two particularly clauses still under discussion, which referred to convergence of the Codes over a period of time. Clause 9, which stated formal consideration to convergence would be considered after three operational years had been agreed by UUK but clause 8, which stated the ultimate aim was that there would be convergence was meeting with some resistance. At the suggestion of the UUK member a single word alteration was made to change "would" to "may" and therefore **is was AGREED that clauses 8 and 9, in the draft would read:**

"8. Although there were currently two Codes for student accommodation controlled and managed by educational institutions both UUK and ANUK/Unipol are committed to developing both Codes within an aspirational framework that may lead to the convergence of both Codes with the ultimate aim of establishing a single ULIKIANUK/Unipol Code. This aim will inform and assist both parties in the ongoing development of both Codes.

9. After three operational years from the date of this Protocol being agreed, both UUK and ANUK/Unipol will formally consider whether full convergence can be achieved."

The CoM THANKED Mr Cardy for his help in suggesting this.

Clause 19 was tightened to read "UUK will support the ANUK/Unipol Code and will advise all educational establishments only to deal with suppliers who have joined the Code. From time to time UUK will remind educational establishments of this advice and will inform establishments of how their students are covered by membership of the Code."

John Daniels from ODPM stressed that the Protocol had now assumed considerable importance because it highlighted the way forward for both Codes and it would be helpful if the Protocol could be agreed between the parties before Christmas because this could then be taken into account when considering approval of the Codes. Both the CoM and UUK agreed to try to undertake this.

Assessment and Compliance Methodology

Colin Chapman from Bentely Jennison Consulting was invited to report back on the piloting of the self-assessment questionnaire and commented on the results that these had produced.

He thanked Liberty Living, Shaftesbury Student Housing and the University of Leeds for taking part in the pilot and stated that, on the basis of their feedback, a number of alterations were to be made to weightings used and wording of the questionnaire. Representatives of the providers who piloted the process reported that they had found it a very useful exercise and, on the basis of which, had formed their own action plans for ensuring compliance with the Codes. They also stated that the process of self-assessment had not been as onerous as they first feared. The same three providers agreed to test the next stage of the process (verification of the self-assessment questionnaire results) feedback on which would be given at the February 06 meeting of the CoM.

The next CoM might also need to decide whether verification checks should be undertaken before permitting new members to join the Codes - possibly via awarding provisional membership until checks have been made - as well as make final decisions about the overall verification and self-assessment system. **It was AGREED that**, as a result of the

piloting of the self-assessment questionnaire, **once revisions have been made to the questionnaire it would be used from January 2006 onwards.**

A separate report, from Bentley Jennison, would be produced and circulated with the minutes before Christmas giving more details of the outcome of this process.

Complaints and Tribunal Arrangements

A paper setting out final details of the complaints and tribunal arrangements was discussed.

It was **AGREED** that UUK should appoint a representative to the Tribunal, the name to be supplied to the National Code Administrator before the February 2006 CoM meeting.
(Note: this has now been decided as Mr Andrew Nightingale, Director of Estates at Essex University)

The following people were appointed to the Tribunal panel:

Ms Anne-Marie Watkinson (student representative)

Three owners for the Owners' Panel: Mr Mark Alien, Mrs Keith White and Mr Paul Rowlinson

(owner reps), one vacant owner place remains

There were two Vice Chair positions to be elected:

Mr Keith White was **ELECTED** by the other owners as the owners' Vice Chair

Ms Veronica King was **ELECTED** by the CoM as the student Vice Chair.

It was agreed that a short meeting of the Tribunal Panel be held following the February 2006 CoM meeting.

Update on Code Membership

The National Code Administrator reported that, as of the start of December 2005, almost 57,000 bed spaces were included in both the Codes, and that a number of private providers and educational establishments were in the process of completing the paperwork which would see that figure rise consistently over the next weeks.

Letters will shortly be sent out to Vice Chancellors and heads of accommodation services making them aware of which private developments are covered by the ANLIK/Unipol Code, and asking for information about any other local suppliers who are not currently signed-up.

Proposed Fee Structure for 2006 and the 2006 Budget

Martin Blakey introduced a paper setting out proposed alterations to the fee structure and recommending a budget for the 2006 operational period. This included increasing the maximum and minimum fee levels, increasing the per bed space fee and introducing a split level fee for existing and new members. It was further proposed that grant applications be made to both ODPM and UUK for a total of £15,000 each over a period of three years. It was reported that **UNITE, the largest fee payer, had accepted the fee structure and they were THANKED for their continuing support and good will.**

During discussions it was stressed how important solidifying a viable resource base to administer the Code was. The Code was likely to have between 80, 000 and 100,000 bed spaces under it in 2006 and a number of mechanisms, review, assessment, compliance

had been established to ensure the Code delivered to its members and consumers. It was also necessary to publicise the existence of the Code, to students in particular, and service the CoM and ensure the Code was kept up to date and fresh and that the Web information was kept fully up to date and accessible.

None of these systems would work properly if the Code was insufficiently resourced. Staff time and administration were an essential part of the Code's continuing viability. At this time, because the Code was new and considerable effort was going into getting ODPM approval and strike a correct balance with UUK, there was a tendency to think that "one final push" would enable all these issues to be settled and then the Code would somehow be on automatic pilot. It was clear that this would never be the case. Those thinking of joining had many questions and issues to resolve before signing up (and this took time and was a good thing), students' union were becoming interested in the Code, there would be a need to keep updating the Code (sustainability issues from the Green Landlord Scheme were emerging and the Tenancy Deposit Protection Scheme would have implications for Deposit refund times within the Codes). Without a sound basis of administration the Codes would either fail or promise to deliver what they could not.

The CoM took these issues fully on board and NOTED:

The Code Budget followed Unipol's financial year of August 1st to July 31st whilst the Code fees were set on a calendar year from 1st January to 31st December. For VAT reasons it was **AGREED** that the full title of the Code was the ANUK/Unipol Code. For accountability and audit reasons, this budget fell under Unipol's governance and audit and therefore has charitable status. The trustees of Unipol had devolved the setting of a level or surplus budget to the CoM but if a negative budget was set they would have primary consideration of this.

All figures in the budget were ex-VAT.

In setting the budget for the 2006 operational year, and the 2005-2006 financial year, the following factors have been taken into account:

- a) the need for the Code to be properly resourced with a 50% National Administrator at a reasonably senior level, with some administrative and financial processing back-up and office costs
- b) there was sufficient administration to ensure that the procedures within the Code are properly carried out
- c) that there was sufficient funding available for dissemination of information and publicity
- d) the fees had been set on the assumption of a minimum of 70,000 bed spaces
- e) the £10, 000 cap on any single member was not sustainable and should be raised to £12,500

It was AGREED (all fees ex-VAT):

i) that the fees should increase per bed space from 0.35p to 0.70 for existing members for a 12 month period from 1st January 2006 to 31st December 2006 and that the fee for new members joining from now until 31st December 2006 should be 0.87p.

ii) the maximum fee should be set at £12,500 and the minimum at £150.00 (up from £100)

iii) that a grant application should be made to ODPM for £5,000 for three years 2005-2006, 2006-2007 and 2007-2008 (£15,000 in all) to help offset costs for publicity and dissemination (including the website)

iv) that a grant application should be made to UUK for £5,000 for three years 2006-2007, 2007-2008 and 2008-2009 (£15,000 in all) to help offset the administration of the assessment and compliance schemes of the Code for buildings not controlled and managed by educational establishments.

In respect of iii) and iv) this was also part of making all the CoM members full stakeholders in the venture.

Proposed Meeting Dates for 2006

The National Code Administrator proposed that meetings of the CoM for 2006 take place on Friday 24th February, Thursday 25th May, Thursday 7th September and Friday 8th December and **these dates were AGREED.**

ODPM offered to host in February and this was agreed. Liberty Living will host the May meeting in Leicester and the University of Leeds will be the venue for September. Offers to host the December meeting should be submitted to the National Code Administrator.

Any Other Business

Because Mr John Daniels had arrived at the meeting later, some matters discussed for the first 20 minutes of the meeting were returned to. These matters have been minuted earlier.

The meeting closed at 1.30pm.

